

#### TOWN OF TYNGSBOROUGH

Office of the Selectmen
25 Bryant Lane
Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100
Fax: 978 649-2320

#### Board of Selectmen Meeting Minutes

Monday November 1, 2010

6:00 P.M.

Town Offices

Member Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Rick Reault, Selectman Robert Jackson, Selectman Rich Lemoine.

Staff: Town Administrator Michael Gilleberto, Admin. Assistant Therese Gay

#### 1. 6:00 P.M Open Meeting

The Chairman opened the meeting on a motion by Selectman Jackson, second by Selectman Lemoine.

#### 2. New Business

• Review Special Town Meeting Articles

The Board reviewed and discussed the special town meeting warrant articles. The review and discussion is as follows: Article 1. To see if the Town will vote to transfer from one or more municipal government accounts a sum of money to supplement various governmental accounts for Fiscal Year 2011, or take any other action relative thereto.

<u>Amount</u>	Transfe	er From:		Transfer To:
\$4,40	00.00	#242-5110 G	as Inspector Salary	#241-5318 Inspectional Coverage
\$4,40	00.00	#243-5110 Pl	lumbing Inspector Salar	y #241-5318 Inspectional Coverage
\$6,50	00.00	#245-5110 W	iring Inspector Salary	#241-5318 Inspectional Coverage
\$45,0	00.00	#215-5110 Cd	ommunication Salary	#210-5130 Police Department Salary
\$8,50	00.00	#543-5110 Ve	eteran's Agent Salary	#241-5110 Building Coms. Salary
				Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Reault, second by Selectman Lemoine to place this article on the warrant.

Article 2. To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of \$150,000 to the Stabilization Fund. Submitted by: Board of Selectmen The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.

- Article 3. To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of \$200,000 to the Capital Asset Stabilization Fund. Submitted by: Board of Selectmen The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.
- Article 4. To see if the Town will vote to raise and appropriate and/or appropriate by transfer the sum of \$265,000 as follows: \$100,000 to Snow Removal Expense Account #423-5533 and \$165,000 to Other Salaries Account #122-5119. Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.

Article 5. To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of \$10,000 to be expended by the Board of Selectmen for street light acquisition.

Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectwoman Coughlin, second by Selectman Reault to place this article on the warrant.

Article 6. To see if the Town will vote raise and appropriate the sum of \$680.18 to be expended by the Planning Board to pay a prior year's bill, or take any other action relative thereto.

Submitted by: Planning Board

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.

- Article 7. To see if the Town will vote to appropriate by transfer from available funds the sum of \$83,060 to supplement the Tyngsborough School Budget for fiscal year 2011, to be expended by the School Committee for reimbursable medical services provided to school pupils who are in residential special education programs pursuant to the provisions of Chapter 71B and for other reimbursable medical services provided by the school department pursuant to state or federal law to students requiring educational or related medical services, or take any other action relative thereto.

  Submitted by: School Committee

  The Board voted 5-0 on a motion by Selectman Lengine, second by Selectman Laglacon to place this article on
- The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.
- Article 8. To see if the Town will vote to appropriate by transfer \$14,000 from Debt Service Account #710-5910 and \$12,515 from Debt Service Account #751-5915 to be expended by the School Committee for the purpose of purchasing one new 2010 Chevrolet Silverado HD2500 Pickup Truck for the upkeep of school property, or take any other action relative thereto. Submitted by: School Committee The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.
- Article 9. To see if the Town will vote to appropriate by transfer a sum of monies from the Sewer Enterprise Fund Retained Earnings to the Sewer Enterprise Capital Improvement Reserve Fund and the Sewer Enterprise Capital Replacement Reserve Fund, or take any other action relative thereto.

Submitted by: Sewer Commissioners

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.

- Article 10. To see if the town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of \$10,000 to fund a feasibility study for the installation of sidewalks on public ways at or near Tyngsborough Public Schools to be expended by the Board of Selectmen, or take any other action relative thereto.

  Submitted by: Board of Selectmen
- The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.
- Article 11. To see if the Town will vote to accept Cedar Street as a public way as laid out by the Board of Selectmen and shown on a plan of land entitled "Plan of Land in Tyngsborough, Massachusetts Cedar Street" dated June 1, 2010, prepared by Land Engineering & Environmental Services, Inc., or take any other action relative thereto.

  Submitted by: Board of Selectmen Landing by Selectmen Landing account by Selectmen Landing to the action of the services.

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.

Article 12. To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of \$2,000 to fund land takings associated with the establishment of a public way known as Cedar Street, to be expended by the Board of Selectmen, or take any other action relative thereto.

Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.

Article 13. To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of \$4,500 for the continued analysis of the status of town roads and parcels, to be expended by the Board of Selectmen.

Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.

Article 14. To see if the Town will vote to authorize the Board of Selectmen to convey and/or execute land damage agreements in the amount of \$0 for three parcels of Town land situated on or near Pawtucket Boulevard to be included in the state project known as the "Relocation of Pawtucket Boulevard" to the Commonwealth of Massachusetts or to the Massachusetts Department of Transportation, or any subdivision thereof, and said Parcels are identified as:

Parcel 14-D-3-F in Fee Parcel 14-18-T in Fee Parcel 14-9-T in Fee

as shown on certain plans on file with the Town Clerk's Office and the Office of the Board of Selectmen, which may be examined during regular business hours, or take any other action relative thereto.

Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.

Article 15. To see if the Town will vote to accept the provisions of Massachusetts General law Chapter 53, Section 9A to establish the final date for obtaining nomination papers for town office as forty-eight hours prior to the submittal deadline, or take any other action relative thereto. Submitted by: Board of Selectmen The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.

Article 16. To see if the Town will vote to accept M.G.L. Chapter 43D as amended pursuant to Section 11 of Chapter 205 of the Acts of 2006, which provides for an expedited permitting process, and to approve the filing of a formal proposal with the Interagency Permitting Board for the designation as a priority development site, the land specifically described below; or take any other relative action thereto.

Location: 50 Westford Road, Map 21, Parcel 23, Lot 1

Owner: Westford Road Development, LLC Submitted by: Board of Selectmen
The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on

The Board voted unanimously on a motion by Selectman Jackson, second by Selectman Lemoine to sign and post the special town meeting warrant.

- Tyngsboro Sports Center Entertainment License/Revised
  The Board deferred the request from the Tyngsboro Sports Center to amend their entertainment
  license to a future agenda. The Administrator will contact the Firm of Kopelman and Paige to
  assist the town in formulating a set of regulations for sport promotional.
- Building Commissioner Applicants Discussion
  The Board discussed the interview process and has asked that two of the applicants be scheduled for interviews on Monday November 8, 2010.
  - Open Meeting Law/Elections Discussion
     There were no discussions on this subject this evening.
  - Cultural Council Discussion

There were no discussions on this subject this evening. The matter has been resolved.

#### 3. Correspondence

the warrant.

The Board voted unanimously on a motion by Selectman Lemoine, second by Selectman Jackson to accept the correspondence for discussions. The correspondence referencing the public discussion on negotiations was not complete page 2 was missing. The Board asks the Administrator to place the field use contract on the next selectmen's agenda.

#### 4. Executive Session

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

• Collective Bargaining

The Board voted on a motion by Selectman Jackson, second by Selectman Reault to enter into Executive Session to discuss collective bargaining and to return to open session only to adjourn. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, yes; Selectwoman Coughlin, yes: Selectwoman O'Neill, yes; Selectman Reault, yes. The Board entered into Executive Session at 10:00 PM

#### 5. 9:30 P.M. Adjournment

The Board voted 5-0 on a motion by Selectman Reault, second by Selectman Jackson to adjourn the meeting. The meeting adjourned at 11:00 PM.

Respectfully Submitted,

Therese Gay Admin Assistant

Approved on Monday December 20, 2010



#### TOWN OF TYNGSBOROUGH

# Office of the Town Administrator 25 Bryants Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320 E-mail: mgilleberto@tyngsboroughma.gov

TO:

Board of Selectmen

FROM:

Michael P. Gilleberto, Town Administrator

MP

DATE:

October 29, 2010

SUBJECT:

Special Town Meeting Draft Warrant

Attached please find a draft of the Special Town Meeting warrant.

Article 1 raises and appropriates \$225,000 to the Selectmen's other salaries account for collective bargaining. These dollars would need to be transferred out upon agreement with collective bargaining units.

Article 2 would achieve transfers that are known at this time.

Article 3 would allow payment of a \$680.18 prior year's invoice for engineering for the Planning Board.

Article 4 would disperse Medicaid dollars to the schools.

Article 5 would make the \$10,000 appropriation for the School floor scrubber available for the pickup truck.

Article 6 would allow for a Sewer transfers.

Article 7 would fund a feasibility study for sidewalks at/near public schools, to be expended by the Selectmen.

Article 8 is Town Meeting acceptance of Cedar Street.

Article 9 would fund the land taking associated with Cedar Street.

Article 10 would fund an affordable housing plan.

Article 11 would fund continued analysis of town roads for acceptance, as well as so-called developer parcels.

Article 12 is the Pawtucket Boulevard takings.

Article 13 relates to filing deadlines for local elections. See memo from Town Clerk.

Article 14 would provide Worker's Compensation to full time elected officials. MIIA had informed the Town that under their policy this approval is not required. Subsequently, they requested that we actually proceed with the Town Meeting vote. Charles concurred and edited the proposed language (edited version is on the warrant).

Article 15 would allow the Town to jointly seek state assistance in marketing the Westford Road project.

#### SPECIAL TOWN MEETING WARRANT November 16, 2010 7:00 P.M.

Middlesex, SS.

To either of the Constables of the Town of Tyngsborough, Massachusetts, in the County of Middlesex:

#### GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town of Tyngsborough, qualified to vote in elections and Town affairs, to meet at the Tyngsborough Elementary School Cafetorium, 205 Westford Road in said Tyngsborough on the sixteenth day of November, in the year two thousand ten next at 7:00 o'clock in the evening then and there to act on the following articles:

**Article 1.** To see if the Town will vote to raise and appropriate \$225,000 to Other Salaries Account #122-5103 be expended by the Board of Selectmen to supplement various municipal government accounts for fiscal year 2011, or take any other action relative thereto.

Submitted by: Board of Selectmen

**Article 2.** To see if the Town will vote to transfer from one or more municipal government accounts a sum of money to supplement various governmental accounts for Fiscal Year 2011, or take any other action relative thereto.

Amount	Transfer From:	Transfer To:
\$4,400.00	#242-5110 Gas Inspector Salary	#241-5318 Inspectional Coverage
\$4,400.00	#243-5110 Plumbing Inspector Salary	#241-5318 Inspectional Coverage
\$6,500.00	#245-5110 Wiring Inspector Salary	#241-5318 Inspectional Coverage
	#215-5110 Communication Salary	#210-5130 Police Department Salary
\$8,500.00	#543-5110 Veteran's Agent Salary	#241-5110 Building Commiss. Salary
		Submitted by: Board of Selectmen

**Article 3.** To see if the Town will vote to raise and appropriate \$680.18 to be expended by the Planning Board to pay a prior year's bill, or take any other action relative thereto.

Submitted by: Planning Board

**Article 4.** To see if the Town will vote to appropriate by transfer from available funds the sum of \$83,060 to supplement the Tyngsborough School Budget for fiscal year 2011, to be expended by the School Committee for reimbursable medical services provided to school pupils who are in residential special education programs pursuant to the provisions of Chapter 71B and for other reimbursable medical services provided by the school department pursuant to state or federal law to students requiring educational or related medical services, or take any other action relative thereto.

Submitted by: School Committee

**Article 5.** To see if the Town will vote to appropriate \$10,000 from the purchase of floor scrubber account (as approved at the May 2010 Annual Town Meeting for the purchase of a

floor scrubber), to the leasing of one school truck, to be expended by the School Committee, or take any other action relative thereto.

Submitted by: School Committee

**Article 6.** To see if the Town will vote to appropriate by transfer a sum of monies from the Sewer Enterprise Fund Retained Earnings to the Sewer Enterprise Capital Improvement Reserve Fund and the Sewer Enterprise Capital Replacement Reserve Fund for FY 11, or take any other action relative thereto.

Submitted by: Sewer Commissioners

**Article 7.** To see if the town will vote to raise and appropriate \$5,000 to fund a feasibility study for the installation of sidewalks on public ways at or near Tyngsborough Public Schools to be expended by the Board of Selectmen, or take any other action relative thereto.

Submitted by: Board of Selectmen

**Article 8.** To see if the Town will vote to accept Cedar Street as a public way as laid out by the Board of Selectmen and shown on a plan of land entitled "Plan of Land in Tyngsborough, Massachusetts – Cedar Street" dated June 1, 2010, prepared by Land Engineering & Environmental Services, Inc., or take any other action relative thereto.

Submitted by: Board of Selectmen

**Article 9.** To see if the Town will vote to raise and appropriate \$2,000 to fund land takings associated with the establishment of a public way known as Cedar Street, to be expended by the Board of Selectmen, or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 10. To see if the Town will vote to appropriate by transfer a sum of monies from the Community Preservation Affordable Housing Reserve to be expended by the Board of Selectmen for procuring a consultant to assist in the updating of the Affordable Housing Plan, or take any other action relative thereto.

Submitted by: Board of Selectmen

**Article 11.** To see if the Town will vote to raise and appropriate \$5,000 from available funds for the continued analysis of the status of town roads and parcels, to be expended by the Board of Selectmen.

Submitted by: Board of Selectmen

**Article 12.** To see if the Town will vote to authorize the Board of Selectmen to convey and/or execute land damage agreements in the amount of \$0 for eight parcels of Town land situated on or near Pawtucket Boulevard to be included in the state project known as the "Relocation of Pawtucket Boulevard" to the Commonwealth of Massachusetts or to the Massachusetts Department of Transportation, or any subdivision thereof, and said Parcels are identified as:

Parcel 14-D-3-F in Fee

Parcel 14-18-T in Fee

Parcel 14-9-T in Fee

as shown on certain plans on file with the Town Clerk's Office and the Office of the Board of Selectmen, which may be examined during regular business hours, or take any other action relative thereto.

Submitted by: Board of Selectmen

**Article 13.** To see if the Town will vote to accept the provisions of Massachusetts General law Chapter 53, Section 9A to establish the final date for obtaining nomination papers for

town office as fort	ty-eight hours prior	to the submittal deadline, or take any other action
relative thereto.		Submitted by: Board of Selectmen
		ote to accept Chapter 751 of the Acts of 1911 to provide erage for elected officials, or take any other action
relative mereto.		Submitted by: Board of Selectmen
amended pursuar of a formal propos	nt to Section 11 of Ca sal with the Interage: land specifically deso 50 Westford Road	ote to accept the provisions of M.G.L. Chapter 43D as hapter 205 of the Acts of 2006, and to approve the filing ncy Permitting Board for the designation as an overlay cribed as follows; or act in relation thereto.  , Map 21, Parcel 23, Lot 1 Road Development, LLC  Submitted by: Board of Selectmen
Town Hall, Kenda Community Cente	ll Road Fire Station	chis Warrant, by posting attested copies thereof at the No. 1, Flint's Convenience Store, Lakeview Avenue enue Fire Station No. 2, in said Town, fourteen (14) days I meeting.
HEREOF FAIL NO Clerk at the time a	T, and make due re and place of meeting	turn the Warrant, with your doings thereon to the Town
Given under our l	nands and seals this	day of, in the year two thousand ten
Board of Selectme	n	
		÷
Ashley L. O'Neill, (	Chairman	
Elizabeth A. Coug	hlin, Vice-Chairman	
Richard D. Reault	, Clerk	
Richard B. Lemoir	ne	
Robert G. Jackson	· · · · · · · · · · · · · · · · · · ·	
Tyngsborough by p No. 1, Flint's Conv	posting attested copi enience Store, Lake	ave notified and warned the inhabitants of the Town of ies of same at the Town Hall, Kendall Road Fire Station view Avenue Community Center, and Lakeview Avenue n (14) days before the date thereof, as within directed.
Constable	1 may	
Date	Time	·



#### Joanne Shifres, Town Clerk

### TOWN OF TYNGSBOROUGH

### Office of the Town Clerk

Town Hall – 25 Bryants Lane Tyngsborough, Massachusetts 01879-1003 (978) 649-2300, Ext. 129 jshifres@tyngsboroughma.gov

October 29, 2010

To:

Michael Gilleberto, Board of Selectmen

From:

Joanne Shifres, Town Clerk Jane

Re:

MGL c. 53, 9A

I am requesting that you support the warrant article to adopt the above referenced section of MGL. This section establishes a deadline to take nomination papers when running for town office.

The benefit of having a deadline is that I will be able to begin the process of setting the ballot earlier and organizing the activities relating to the election. Setting the forty-eight hour deadline does not have a significant impact on a potential candidate since nomination papers are generally available early in January, allowing an individual ample time to pull papers.

I believe that there is little downside to adopting this and a greater upside. I urge your support in adopting this.



town of hyngsoorough

Therese Gay <tgay@tyngsboroughma.gov>

### Freecash Approval Notification for Tyngsborough

recapdata@dor.state.ma.us <recapdata@dor.state.ma.us>

Fri, Oct 29, 2010 at 7:09 AM

To: ktimes@hotmail.com, jcronin@tyngsboroughma.gov, kcolburn@tyngsboroughma.gov, tgay@tyngsboroughma.gov

Massachusetts Department of Revenue Division of Local Services

Navjeet K Bal, Commissioner

Robert G. Nunes, Deputy Commissioner & Director of Municipal Affairs

Friday, October 29, 2010

Jacquelyn Cronin Accountant Town of Tyngsborough

Re: NOTIFICATION OF FREE CASH APPROVAL - Tyngsborough

Based upon the unaudited balance sheet submitted, I hereby certify that the amount of available funds or "free cash" as of July 1, 2010 for the Town of Tyngsborough is:

General Fund

\$ 974,424

Sewe

Enterprise Fund

\$ 790,918

This certification is in accordance with the provisions of G. L. Chapter 59, §23, as amended.

Certification letters will be e-mailed to the mayor/manager, board of selectmen, prudential committee, finance director and treasurer immediately upon approval, provided an e-mail address is reported in DLS' Local Officials Directory. Please forward to other officials that you deem appropriate.

Sincerely, Gerard D. Perry Director of Accounts

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager at postmaster at dor.state.ma.us.



### TOWN OF TYNGSBOROUGH

Capital Asset Management Committee 25 Bryants Lane

Tyngsborough, MA 01879 Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

### Capital Asset Management Plan FY2011 through FY2015

Attached is the proposed Capital Asset Management Plan for Fiscal Year 2011 through Fiscal Year 2015.

The Capital Asset Management Committee (CAMC) has met to update the Town's 5-Year Capital Asset Management Plan. The members of the committee are: Selectman Rich Lemoine, School Committee member Jeffrey Hunt, Finance Committee member Jacqueline Schnackertz, Town Accountant Jacquelyn Cronin, and Town Treasurer Kerry Colburn-Dion. Town Administrator Michael P. Gilleberto has also participated as a resource and adjunct member to the committee.

The Committee was asked to review and identify items for funding in accordance with the recommendation of the Strategic Financial Planning Committee that the Town pursue a one-time capital exclusion of an amount up to \$800,000. Projects were selected based on the balance of critical need and financial constraints. The Committee will review all items again next year with town and school officials to determine if any changes are needed.

Based on its review, the CAMC recommends the following items be funded for FY 2011:

Fire Command Car	\$40,000
Highway Dump Truck	\$130,000
Highway wash station completion	\$100,000
School Technology Plan	\$100,000
School Paving	\$80,000
Middle School Bleachers	\$80,000
HS Pierce Bleachers	\$125,000
Town Technology	\$25,000
Town Road Plan	\$100,000

The cost of these items totals \$780,000 which is proposed to be funded through a one-time capital exclusion, subject to Town Meeting appropriation and ballot approval.

The Town has traditionally funded capital investments at approximately \$200,000 annually. The Committee recommends that \$228,100 be appropriated from the Capital Asset Stabilization Fund for FY 2011 to pay debt service on capital items that have been approved in prior years. The Capital Asset Stabilization Fund currently has a balance of \$241,000.

The Town must continue to be diligent with its capital planning efforts for buildings, equipment, and infrastructure. Sound planning will benefit the health, safety, and productivity of our citizens, school children, and employees for years to come.

# TOWN OF TYNGSBOROUGH APPLICATION FOR WEEKDAY ENTERTAINMENT

Date: 10 27 14	<u>.                                    </u>
<sup>∄</sup> In accordance wit	h Massachusetts General law, Chapter 140, section 183A hereby requests a
weekday entertair	license for:
Establishment: _	Tyryshoro Sports Certo Mills Maria. MA.
Address:	Type shore Sports Center Manual MA.  18 Progress Ave  Type shore, ma 01879
	Mresser William
Weekday Entertai	nment at the above mentioned establishment will include the following:
	Dancing by patrons
	Vocalists
	Disc Jockey
	Jukebox
<del></del> .	Orchestra (please state number of pieces)
<u> </u>	Bands (please state number of pieces)
<u></u>	Floor Show (please describe)
	·
	Television
<del></del>	Radio/Stereo
-	Piped in Music
<u> </u>	OTHER: (please describe fully)
<i>)</i>	OTHER. (please describe runy)
	Se Agrani
entertainment. PI specifically identifi	nal pages as needed to fully describe the type and scope of the proposed <b>LEASE NOTE:</b> Should you be granted a license, only those activities led in this application form will be deemed licensed, and that any activity not led or described will not be deemed to be licensed.
	HOURS WHICH ENTERTAINMENT WILL BE CONDUCTED
Monday	9 A to 2~
Tuesday	94 to 24
Wednesday	<u>9A</u> to <u>2A</u>
Thursday	<u>94</u> to <u>24</u>
Friday	<u>9A</u> to <u>2A</u>
Saturday	2A to ZA
	age the type of entertainment provided in my establishment without the prior of the Local Licensing Authority.
Paramotor.	
Signature of Licen	see:



#### TOWN OF TYNGSBOROUGH

# Office of the Town Administrator 25 Bryants Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320 E-mail: mgilleberto@tyngsboroughma.gov

FROM:

Michael P. Gilleberto, Town Administrator

MY

TO:

Board of Selectmen

DATE:

October 29, 2010

RE:

**Building Commissioner Applicants** 

Attached please find resumes from applicants for the position of Building Commissioner. Don Crowell has reviewed and recommended the following for interview:

Raymond Matte (Don discloses that knows him personally)

Dana Barnes Paul Welcome Steve Nocco

### Town of Tyngsborough Job Posting

## Position: Building Commissioner / Zoning Enforcement Officer

The Town of Tyngsborough is seeking applicants for the position of Building Commissioner / Zoning Enforcement Officer. This is a full time position, with an annual salary range of up to \$64,753. Applicant must be state certified as an Inspector of Buildings/Building Commissioner possess an unrestricted construction supervisor's license, and possess a valid Massachusetts driver's license. An emphasis will also be placed on customer service skills. Job description is available in the Selectmen's Office at 25 Bryants Lane. Send resume and cover letter to Town Administrator Michael Gilleberto, 25 Bryants Lane, Tyngsborough, MA 01879. Position is open until filled. EOE.



#### Town of Tyngsborough, MA Position Description

Job Title:

**Building Commissioner** 

Department:

Building Department

Reports To:

Town Administrator

Prepared Date:

September 2001

#### SUMMARY

Under the general supervision of the Town Administrator, the Building Commissioner coordinates the inspection and code enforcement of residential, commercial, and industrial building and renovation. The Building Commissioner interprets and enforces all relevant local by-laws and state building codes to ensure the safety of the general public. This position requires sound initiative, judgment, decision-making and ability to work effectively and independently with the public and other officials.

#### ESSENTIAL DUTIES AND RESPONSIBILITIES

Develops and manages departmental budget and coordinates the day-to-day operations of the Building Department, including plumbing, gas, and electrical inspectors.

Prepares monthly reports on departmental activity.

Inspects, or provides supervision of inspection, of residential and commercial building construction and renovation, ensuring that all local by-laws and Massachusetts General Laws are adhered to.

Interprets and enforces local and state zoning regulations and sign by-laws.

Provides information to the general public and other government entities concerning building and inspectional services.

Ensures the fair, consistent application, interpretation, and enforcement of the State Building Code, applicable Federal and State Laws and local by-laws and zoning.

#### SUPERVISORY RESPONSIBILITIES

The Building Commissioner provides general guidance and direction to the wire, plumbing and gas inspectors. The Secretary and Clerk in the Building Department receive general supervision from the Building Commissioner. The Building Commissioner also completes performance evaluations for subordinate employees.

#### DESIRED MIMIMUM QUALIFICATIONS

#### Education and/or Experience

- (A) High School Diploma or Equivalency (Bachelor's Degree in Related Field Preferred):
- (B) Five years increasingly responsible related experience in building construction, supervision, or design;

- (C) Possession or ability to obtain Massachusetts Certification as a Building Commissioner/Building Inspector;
- (D) Possession of a Massachusetts Construction Supervisor's License;
- (E) Valid Driver's License, and;
- (F) Any equivalent combination of education and experience.

#### Knowledge, Skills and Abilities

- (A) Working knowledge of municipal government procedures and operations;
- (B) Thorough knowledge of town bylaws and relevant Massachusetts General Laws related to building construction, fire prevention, lighting, ventilation, accessibility, zoning, and other aspects of the building codes and regulation;
- (C) Ability to establish and maintain effective working relationships with employees, town officials, and the general public;
- (D) Ability to exercise initiative, sound judgment, and fairly enforce regulations fairly and consistently;
- (E) Ability to read and interpret blueprints;
- (F) Ability to communicate effectively orally and in writing;
- (G) Ability to operate the listed tools and equipment;

#### TOOLS AND EQUIPMENT -

Personal computer, telephone; 10 key calculator; typewriter; copy machine; fax machine, automobile.

#### PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to sit, stand, talk or hear. The employee is occasionally required to use hands to operate, finger, handle, or feel objects, tools, or controls; and reach with hands and arms. The employee, although seldom, does require lifting weight up to 30 lbs.

#### WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The employee spends up to 2/3 of his workday in outdoor weather conditions. The employee also spends up to a third of his/her workday with exposure to risk of electric shock and more than half of his/her workday working near large equipment and working mechanical parts.

In addition to the above on-the-job hazards, the employee is often times present in loud-very loud construction sites.

Mark C. Bertonassi 153 Central Street Hudson, Ma 01749

9014 not 20 15 15 15

October 20, 2010

Michael Gilleberto, Town Administrator 25 Bryants Lane Tyngsborough, Ma 01879

Dear Michael Gilleberto,

I am writing to express my interest in the position of Building Commissioner/Zoning Enforcement Officer, as mentioned on the Town of Tyngsborough website, and have enclosed my resume for your consideration.

I am a very motivated individual with the ability to work with other departments. I have proven my abilities by leadership and duration in the inspection and construction fields. I am a self-starter that has the ability to effectively manage multiple projects and personnel in a timely and cost efficient manner.

I would like the opportunity to work for a municipality that puts emphasize on customer service. For over twenty-five years, I have owned and operated a contracting business solely on return customers and referrals. I have also received excellent reviews from the town's customer service survey while I was the Building Commissioner for the Town of Boylston.

As you will note on the enclosed resume I have assumed accountability as an owner and operator of a long-term business and as the first full-time building commissioner in the Town of Boylston. Owning a business has given me experience supervising and managing full time and part time employees and subcontractors. Having been on both side of construction projects as a builder and inspector, I can provide a diverse point of view. I have a complete understanding of laws and regulations obtained from a diverse background of training and certifications. Being diverse qualifies me to be fair, consistent, and reliable in the interpretation and enforcement of codes and by-laws.

At your convenience, I would like to meet with you and explore the possibility of employment with the Town of Tyngsborough. I will call within the next week to see if we can arrange an appointment to speak together. Thank you for your time and consideration.

Respectfully yours,

Mark Bertonassi

### Mark C Bertonassi

153 Central St., Hudson, Ma 01749 Pl

Email: BertonassiContracting@hotmail.com

#### **OBJECTIVE**

To obtain the Building Commissioner and Zoning Enforcement Officer position for the Town of Tyngsborough where I can utilize my experience as a certified building commissioner and zoning enforcement officer along with my knowledge of the construction field.

#### PROFESSIONAL EXPERIENCE

**Town of Hudson**, 1995-Present Local Inspector, Part-Time

Assists in operations of the building department

Provides inspections, permit application reviews, and office coverage

 Covered as a full-time interim inspector during the search process for the current building commissioner, and aided in a seamless transition for the office

 Brought continuity to multiple building departments by creating common forms and documents

#### **Town of Boylston**, 2006-2010 Building Commissioner

- Created and adhered to the Town of Boylston's Building Department Mission Statement
- Created and implemented new procedures for inspections to promote continuity throughout the building inspection process
- Updated permit applications, forms, and documents
- Reviewed permit applications and issued permits
- Brought the Plumbing, Gas and Electrical Inspectors under the Building Department supervision to open the lines of communication
- Attended town meetings and various committees to provide expertise and input on current and future projects
- Reported to and consulted with the Town Administrator
- Reviewed projects with multiple departments and committees
- Managed yearly budgets and overseer of expenditures to insure a cost-effective department
- Published annual reports to give an educational understanding to the general public of the operations of the Building Department
- Contributed informational articles to the quarterly Council on Aging News Letter to promote safety and consumer awareness
- Gathered and supplied information for the building department's web page

### Bertonassi Contracting/MCB Property Management, 1981-Present Owner and Operator, Currently Part-Time

- Established a reputable contracting company within the local community
- Residential and commercial construction from sight-planning to completion
- Manage employees and sub-contractors of various trades

- Perform all aspects of managing a successful and profitable business
- Manage and facilitate rental properties
- Winter maintenance for local businesses

#### EDUCATION AND TRAINING

- Inspector of Building/Building Commissioner, 2007
- Construction Supervisor License, 1982
- Assabet Valley Regional Vocational High School, Certificate in Carpentry 1977

#### RELATED COURSES AND CERTIFICATIONS

- Incident Command System (ICS 200)
- National Incident Management System (NIMS 700)
- Safety Evaluation of Buildings after Windstorms and Floods (ATC45)
- Post Earthquake Evaluation of Buildings (ATC20)
- Certificate in Achievement in Post Earthquake Safety Evaluation of Buildings
- Certificate of Attendance Public Information Officers Workshop

Computer skills in Word, Excel, and Publisher.

#### **MEMBERSHIPS**

- Massachusetts Emergency Management Agency (MEMA)
- Massachusetts Building Commissioner and Inspectors Association
- Wachusett Area Building Official Associations
- International Code Counsel

#### REFERENCES

Paul Blazar

Town Administrator, Town of Hudson

Phone: (978) 562-9963

Fred Lucy

Former Selectman, Town of Hudson

Phone: (978) 562-9963

Jeff Wood

Building Commissioner, Town of Hudson

Phone: (978) 568-9626

• Chief Joe Flanagan

Fire Chief, Town of Boylston

Phone: (508) 869-2342

• Dennis Costello

Board of Health Agent, Town of Boylston

Phone: (508) 932-0226

#### Marshall Adams

145 Union Street Franklin, MA 02038

#### adams220@juno.com

Objective:

To utilize my experience in building and material sales to obtain a position as a Building Inspector/Zoning Enforcement Official.

#### Experience: 8/2009-9/2009 Building Commissioner Auburn, MA (Fill-in for medical leave)

- Reviewed plans, inspected new construction single family homes, remodels, strip and re-roofs, wood stoves, pools, decks, etc.
- Worked with the Chief of Police to resolve a high profile inflamed zoning issue.
- Worked with the Fire Department on a fire site property with zoning violations.
- Collected information on fire site property for potential court action (as a last resort.)
- Worked with the Board of Health on farm animal determination and a new By-Law.

#### 2005-2009 Outside Lumber / Millwork Sales, Douglas Lumber, Smithfield RI

- Developed extensive residential and commercial sales territory.
- Generated take off lists of materials required for project with pricing.
- Sold entire spectrum of construction materials to residential and commercial clients
- Achieved 95 percent performance on all accounts receivable.

#### 2004-2005 Construction Supervisor NA Mucciarone Corporation, Franklin MA

- Supervised structural roof repair on a commercial buildings in Boston.
- Repairs included concrete columns, fabrication of steel for wood truss failures and installation of same.
- Rubber roof insulation and decking repairs, removal and replacement of damaged purlins.
- Supervised custom installation of bathrooms and employee changing rooms.

#### 1990-2004 Construction Supervisor and Owner of Adams Building Corporation, Franklin MA

- Supervised and managed construction of a 30-lot subdivision in Franklin, MA.
- Supervised all phases of 10-lot project in Blackstone, MA.
- Completed an 8-lot subdivision project in Milford, MA.
- Built 15 spec homes in the greater Boston area.
- Completed 4 comprehensive condominium rehabs.

#### 1988-2005 Tuckermans Tavern, Inc., Franklin, MA

- Led a team of 10 employees in growing retail food/liquor business
- Managed all accounting functions, lottery, inventory control and entertainment.
- Increased sales 15% per year for three straight years.

#### 1980-1987 Outside Lumber / Millwork Sales, Gerrity Lumber Company, Boston, MA

- Developed extensive customer base.
- Sold construction materials to residential and commercial contractors.
- Generated take off lists of materials required for project with pricing.
- Coordinated delivery drop with superintendents, framers, and builders.
- Monitored accounts receivable.

#### Key Skills:

- Evaluated and determined the value of land based on pro forma budget of residential homes to be sold.
- Developed building plans for speculative homes with real-estate brokers and architects to optimize sales.
- Designed custom homes with buyers and architect.
- Maintained strict compliance with the Conservation Commission laws and all building codes.
- Designed septic and well systems with Civil Engineers.
- Negotiated contracts with all subcontractors and supplies to ensure strict schedules were met.
- Scheduled all tradesmen and inspections from the purchase of land to obtaining Occupancy Permits.

#### **Education and Licenses**

MA Certified Building Official Local Inspector Lic. # 09-06-1650

MA Construction Supervisors "Unrestricted" Lic. # CS 80217

MA Hydraulics "2A"Lic. # HE 080230

MA CDL "B" Endorsements: Air Brakes, Tanker, Hazmat Lic. # \$98132747

1979 Babson College, BA Business Management

1976 Mass Bay College, AS Business Management

Marshall Adams 145 Union St. Franklin MA. 02038 Cell:

### **Business References**

Franklin Lumber Co. 129 Dean Ave. Franklin MA 02038 Phone 508-528-0910 Tom Martone Owner

McCormick Plumbing and Heating Inc.
2 High St
Franklin MA 02038
Phone 508-528-2434
Richard McCormick Owner

Aslan Electric Inc. 308 West Central St. Franklin MA 02038 Phone 508-326-4571 Bob Larossa Owner

Franklin Lighting Inc. 341 Union St. Franklin MA 02038 Phone 508-520-4301 Andy Kelson Owner

T&J Heating and Air Conditioning Inc.
121 Mechanic St.
Bellingham MA 02019
Phone 508-966-2900
James Harvey Co-Owner
Tim Harvey Co-Owner

Marshall Adams 145 Union St. Franklin MA. 02038 Cell: 508-735-6004

### **Personal References**

Sterling Gardner 30 Arlington St. Franklin MA.02038 Cell: 617-899-8307

Owner: Gardner Communications Inc.

Michael Whelan 750 Lincoln St. Franklin MA. 02038 Cell: 508-328-9694

Co-Owner: Bridge Realty Inc.

Tyngsborough Town Hall 25 Bryant Lane Tyngsborough MA 01879 Town Administrator Michael Gilleberto

Dear Mr. Gilleberto,

Attached please find my resume, performance letter, license copies, business and personal references, regarding the open position of Building Commissioner/Zoning Enforcement Officer.

I have held my Construction Supervisor's License since 1985; I received my license through the exam process and was not "grandfathered." From 1990 through 2004, I was a custom design builder mostly in the Town of Franklin and surrounding towns.

After nearly twenty (28) years of working in construction, I am looking for a new challenge. Your position of Inspector of Building Commissioner/Zoning Enforcement Officer appears to be a good fit for my talents and expertise.

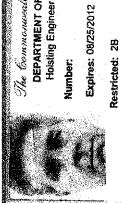
My previous experience as a custom builder and as an outside sales representative for Douglas Lumber has given me a unique perspective on code based construction practices.

I am currently working as a fill in inspector for the town of Bellingham and have finished six weeks (fill in) for the Commissioner in Auburn, during his medical leave of absence. I believe my training and experience would allow me to be a valuable asset and resource to your building department.

Thank you for your time and consideration. I look forward to meeting you.

Sincerely,

Marshall Adams
145 Union Street
Franklin MA 02038
Cell



The Commonwealth of Massachusetts DEPARTMENT OF PUBLIC SAFETY Hoisting Engineer License

Tr. no: 113.0

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focal juspector Amshall H. Adams Certified Building Official

specifical Massachuserts

Department of Viscont of Visc

MARSHALL ADAMS 145 UNION ST FRANKLIN, MA 02038

Board of Building Regulations and Standards Construction Supervisor License Massachusetts - Department of Public Safety

Expiration: 8/25/2011

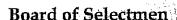


MARSHALL H ADAMS 145 UNION ST FRANKLIN, MA 02038

Restricted to: 00



### **TOWN OF AUBURN**



Charles T. O'Connor, Jr. Acting Town Manager

September 17, 2009

102 CENTRAL STREET AUBURN, MA 01501

(508) 832-7720 Tel. (508) 832-6145 Fax



Robert D. Grossman, Chairman Robert P. Valentine, Vice Chairm. Doreen M. Goodrich Nicholas V. Hammond Timothy E. Hicks

To whom it may concern,

Re:

Certified Local Building Inspector Official

Marshall Adams 145 Union Street Franklin, MA 02038

In August of 2009, Inspector Marshall Adams was hired to temporarily fill in for the Town of Auburn's Building Commissioner for six weeks during our Commissioner's vacation and medical leave. The Town of Auburn hired Marshall Adams, a Certified Local Building Inspector, on the recommendation of Commissioner Donald Miller.

In my interaction with Marshall Adams, I found him to be a valuable asset to the Building Department. He was able to make a seamless transition during Mr. Miller's six (6) week absence.

Inspector Adams took over the day-to-day operation of the Town of Auburn Building Department. Mr. Adams was responsible for the inspections on new residential construction, strip and replacement roofs, residential additions and remodels, replacement kitchens, baths, decks, and wood burning stoves for the upcoming winter heating season.

In addition, Mr. Adams reviewed the plans of upcoming projects and completed several required periodic inspections.

I was particularly impressed with his research and zoning determinations. There were numerous complex issues to be investigated and make determinations from pre-existing non conforming properties, including two (2) multi family dwellings that our assessor brought to his attention that appeared to have illegal apartments.

Mr. Adams coordinated with the Assessor on research and with the Fire Department, as one of the illegal apartments was discovered after a fire in the building. Cease and Desist orders were issued to the property owners.

Inspector Adams was asked by the Chairman of the Board of Selectman to try to find a solution to a zoning dispute between two abutting property owners to prevent the issue getting onto the next Selectman's Meeting Agenda.



In coordination and cooperation with the Town of Auburn Chief of Police, the zoning issues were resolved. Inspector Adams arbitrated the zoning issues with the property owners back into compliance. Arbitrating each owner back into compliance with the zoning bylaws defused a potential long and involved legal battle and costly drain of municipal services.

If you have any additional questions, please do not hesitate to call me.

Sincerely,

Charles T. O'Connor, Jr.

Acting Town Manager

# **IPPLICATION** FOR EMPLOYMENT

We consider applications for all positions without regard to race, color, religion, creed, sex, national origin, disability, sexual orientation, citizenship status or any other legally protected status. (PLEASE PRINT) Date of Application Position(s) Applied For OMMISSION ER Inquiry □ Relative ☐ Advertisement Other \_ ▼ Friend ☐ Employment Agency Middle Name First Name Last Name Best time to contact you at home is: ..... are under 18 years of age, can you provide required □ No **X**No ......If Yes, give date \_\_\_\_\_ X No If Yes, give date \_\_\_\_\_ X No Do any of your friends or relatives, other than spouse, work here? . . . . . . . . . . . . . . . . . Are you currently employed? TOWN OF DUNSTABLE ( Yes **∮** No □ No Are you prevented from lawfully becoming employed in this country because of Visa or Immigration Status No No Proof of citizenship or immigration status will be required upon employment. . . . . . . . . . . . . Date available for work 10/1/2010 What is your desired salary range? (please indicate 1 2 3 shift) ▼ Full-Time Are you available to work: (please indicate Mornings Afternoon Evenings) ☐ Part-Time (please indicate dates available \_\_/\_\_/\_\_-☐ Temporary Yes □ No Can you travel if a job requires it? ...... Yes

□ No

# **EDUCATION**

	Name and Address of School	Course of Study	Number of Years Completed	Diploma Degree
Elementary School	UNION SCHOOL DUNSTABLE, MA		6	
High School	LOWELL HIGH SCHOOL LOWELL MIA	CollEGE Cours Es	4	HIGH SCHOOL DIPLOMA
Undergraduate College				
Graduate Professional				
Other (Specify)				

Describe any specialized training, apprenticeship, skills and extra-curricular activities.
UNION CARPENTER NOV. 71 - NOW
CERTIFIED WELDER
CERTIFIED BUILDING OFFICIAL
2ND DEGREE BLACK BELT
LICENSED CONSTRUCTION SUPERVISOR
MA- PISTOL PERMIT

Describe a	any job-related train	ing received in the United States milita	ry.
Navu	SEA BEES	BUILDER "A" SCHOOL	DAUSVILLE, R.T
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### EMPLOYMENT EXPERIENCE

Start with your present or last job. Include any job-related military service assignments and volunteer activities. You may exclude organizations which indicate race, color, religion, gender, national origin, disabilities or other protected status.

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Employer WSKENNEY	•	Dates I From	Imployed To	Work Performed
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1 South Ave	NATION, 11/14		8-09	CARPENTER WORK
Telephone Number(s)		Starting	Rate/Salary Final	
Job Title CARPENTER	Supervisor STEUE MORRILL			
Reason for Leaving	Work			
Employer TOWN OF C		Dates F	Employed To	- Work Performed
Address 511 MAIN ST	DUNSTABLE, MA	86	PRESEUT	BUILDING INSP.
978-099-957	4 x 224	Hourly F Starting	Rate/Salary Final	20NING OFFICER
Job Title BuilDinG INSP	Supervisor			
Reason for Leaving				
Employer SAUE-ON- [	DRYWALL	Dates E From	Entployed To	Work Performed
Address DERRY RD	HUDSON, IV. H	2000	2006	
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Job Title CARPENTER	Supervisor			
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Telephone Number(s)		Hourly R	late/Salary Final	
Job Title	Supervisor			
Reason for Leaving		$\dashv$		

List professional, trade, business or civic activities and offices held.
You may exclude membership which would reveal gender, race, religion, national origin, age, ancestry, disability or other protected status:
UNION CARPENTER NOV-71 - PRESENT, LIBRARY BUILDING
CommitTEE

### APPLICANT'S STATEMENT

I certify that answers given herein are true and complete.			
Juthorize investigation of all statements contained in this application for employment as may be necessary in arriving at an employment decision.			
This application for employment shall be considered active for a period of time not to exceed 45 days. Any applicant wishing to be considered for employment beyond this time period should inquire as to whether or not applications are being accepted at that time.			
I hereby understand and acknowledge that, unless otherwise defined by applicable law, any employment relationship with this organization is of an "at will" nature, which means that the Employee may resign at any time and the Employer may discharge Employee at any time with or without cause. It is further understood that this "at will" employment relationship may not be changed by any written document or by conduct unless such change is specifically acknowledged in writing by an authorized executive of this organization.			
In the event of employment, I understand that false or misleading information given in my application or interview(s) may result in discharge. I understand, also, that I am required to abide by all rules and regulations of the employer.			
Ulung Bornel 9-21-2010 Signature of Applicant Date			

	FOR PERSONNEL D	EPARTMENT U	SE ONLY		
Arrange Interview	□ Yes □ No				
Remarks					
			INTERVIEWER	DATE	
Employed □ Yes	□ No Date of Em	ployment			
Job Title	Hourly Rate/ Salary	Department _			
В		AND TITLE	DATE		

his Application For Employment is sold for general use throughout the United States. Amsterdam Printing and Litho assumes no responsibility for the use of said form or any questions which, when asked by the employer of the job applicant, may violate State and/or Federal Law.

# **ADDITIONAL INFORMATION**

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FOR PERSONNEL DEPARTMENT USE ONLY			
Position(s) Applied For Is Open:	□ Yes □ No		
Position(s) Considered For:			
	Date		

POSITION: \_\_

NAME:

DATE:

Daniel R Brew 110 Blood Rd West Townsend, MA 01474

September 18, 2010

Tyngsbrough Town Administrator Attn: Micheal Gilleberto 25 Bryants Lane Tyngsbrough, MA 01879

Dear Mr. Gilleberto,

I am writing in response to the part time wiring inspector position advertised on the town of Tyngsbrough's website.

This soul is 1:37

I have been in the electrical field for almost fourteen years now and I feel that my knowledge that I have gained through the years would be beneficial to me as a wiring inspector. I spent almost nine years in residential wiring, running the jobs and heavily dealing with the customer in a professional manner. The last five and a half years have been spent in the commercial side of the field with a large contractor doing very large jobs. I have been involved in many positions there, including being lead man and teaching the apprentices. Currently I am lead man on a large commercial job, which involves many tasks. I have to effectively communicate between trades, attend project meetings and delegate work accordingly.

Thank you for taking the time to read my cover letter and review my resume. I look forward to hearing from you.

Sincerely,

Daniel R Brew

Master License No. 1051MR

#### Daniel R. Brew **Master Electrician**

MA. Master Lic. 1 \_\_\_\_\_ and N.H. Master Lie

110 Blood Road West Townsend, MA 01474 Home Cell Phone

#### **EDUCATION:**

**Hesser College** 

Manchester N.H.

May 2000

Associates of Science-Criminal Justice-Law Enforcement Corrections, Probation and Parole Crime and Loss Prevention

#### **EXPERIENCE:**

#### Wayne J. Griffin Electric, Inc.

March 30, 2005-Present

- Ability to read blue prints and schematics
- Lay out tasks, putting time and material budgets together to complete the task
- Ability to troubleshoot circuits to determine problems
- Pipe work, new construction and old construction wiring
- Run groups in completing tasks
- Teach electrical apprentices electrical code and general construction knowledge

#### Scott A Silva Master Electrician

February 1997-March 2005

- Ability to effectively communicate with the public
- Proficient in fixing or working around a problem
- Supervisor to other employees and work site
- Responsible for ordering supplies needed to complete jobs

**REFERENCES:** Available upon request

James K. Flynn 125 Gorham Street Chelmsford, MA 01824

2011 SEP 27 AT 9: 58

TYPEGOUNG LOCAL

September 23, 2010

Dear Michael Gilberto,

I am interested in the position as a building inspector for the town of Tyngsborough, Massachusetts. I have enclosed my resume, which will inform you of my capabilities and employment history.

Thank you for your time and consideration. I look forward to hearing from you.

Sincerely,

James K. Flynn

#### Chelmsford, MA 01824

Objective Employment 2004-2009 Seeking a challenging position in customer service

Concord Lumber Corp. 126 Lowell Rd. Concord, MA 01742

- Retail Contractor & Industrial Sales
- Window & Door Estimating
- · Building Material-Special Orders

1995-2004

General Manager

Concord Package Store, 73 Thoreau Street., Concord, MA 01742

- Supervise and train all help
- Bank and Lottery reconciliation and deposits
- Inventory Management and control of every detail for owners, owners sold store after 30 years

1984-1994

Owner

Lowell Lumber, 133 Congress Street, Lowell MA

- Increased sales from 1 million to 7 million
- Implemented computerized inventory and accounting systems
- Managed staff of 30

Developer

- Created residential subdivision
- Built 54 residential condominiums

1981-1984

Owner

Flynn's Package Store, 305 Westford Street, Lowell MA

- Purchased building, business and inventory
- Renovated premises
- Supervision and training of entire staff

Developer

 Purchased, renovated, and sold many apartment buildings throughout the area

1970-1981

Foreman

Friend Lumber, 252 Mount Vernon, Lowell, MA

- Yard Foreman for 3 year period
- Inventory and supervision of yard help

Outside Contractor Sales Representative/Developer

- Helped create wholesale and contractors sales division
- Built 22 single family homes for Friend Lumber owners

Education

1962-1966

Keith Academy, Lowell MA, Graduate 1966

1967-1973

U.S. Army & Reserve

Licenses

Massachusetts Unrestricted Construction Supervisors License # CS89162

**Special Honors** 

Life Director Home Builders Association of Greater Lowell Zoning Board of Appeals Chelmsford, MA, Former Member Home Owner Warranty Corp. Arbitration & Mediation

References Available Upon Request

2019 SEP 22 CT 1: 18

I have a very strong interest in pursuing the Building Commissioner/Zoning Enforcement Officer position in the town of Tyngsborough. With experience working as a Sanitary Code Inspector and many years as Prosecuting Officer and Assistant Commissioner of Health and Code I have a diverse background with much to offer. I am a highly experienced and dedicated employee. I am confident that I can be an asset to your department if given that chance.

Among my qualifications are:

30 plus year of Inspectional Services experience

Able to work with sanitary and building code, city ordinance, and trash ticket violations

Board of Health experience in regards to housing citation appeals and prosecutions of food establishment violations and condemnations

Supervised employees for 20 plus years

Payroll and time tracking experience

Can interpret state and local codes and regulations

Superb communication skills

Detailed oriented

Strong work ethic and a high degree of loyalty

I believe that I have the skills and experience, which would be beneficial to your city, and I would like to explore the possibility of becoming a member of your team. Please review the enclosed resume to determine how I might best contribute to your department.

Thank you for your time and consideration.

Respectfully,

Thomas Knightly

### THOMAS J KNIGHTLY 29 COX LANE METHUEN, MA 01844

V

#### QUALIFICATIONS

- 30 plus years of inspectional Services experience
- Excellent communication skills
- Strong work ethic and a high degree of loyalty
- Dedicated and timely
- Experience working with property owners, tenants, employees, and court authorities

#### **OBJECTIVE**

To use my skills and experience to promote a positive atmosphere and create a well run and efficient department. I am seeking a challenging position to use my abilities and experience effectively. I also am looking for an opportunity to learn and develop new skills.

#### **EXPERIENCE**

CITY OF LAWRENCE – INSPECTIONAL SERVICES DEPARTMENT Prosecuting Officer and Assistant Commissioner of Health and Code Lawrence, MA July 1988 –July 2010

- Prepared and prosecuted all sanitary code, building code, city ordinance, lead paint determinations, non criminal and criminal trash ticket violations
- Assigned and supervised daily work of five sanitary code inspectors for the inspection of all health and safety violations and nuisances within the city
- Assisted inspectors in more complex inspections involving unclear violations of major scope or impact, regarding sanitary code complaints, occupancy permits, rooming housing inspections, summer camp inspections, pool inspections, lead paint determination inspections, and condemnations
- Appeared before the Board of Health in regards to housing citation appeals and prosecutions of food establishment violations and condemnations
- Attended all Board of Health meetings
- Assisted in interpreting state and local codes and regulations pertaining to division methods, procedures, and operations. Oversaw that staff complied with methods and procedures
- Responded to inquires, concerns of complaints from affected parties by code enforcement activities, including landlords, facility operators, owners, lawyers, and tenants. Also, assisted in negotiations of compliance actions and resolution of cases
- Supervised two food inspectors and a clerical staff of 4 regarding daily activities
- Attended Bio Terrorism Coalition meetings and assisted the Commissioner of Inspectional Services with compliance requirements
- Oversaw time for all employees in department and prepared payroll records on a weekly basis for a staff of 20
- Filled in for Commissioner of Inspectional Services when not available supervising a staff of 20, including, Sanitary Code, Food, Building, Plumbing, and Weights + Measures Inspectors, Public Health nurse, and the Tobacco Director

CITY OF LAWRENCE - INSPECTIONAL SERVICES DEPARTMENT Sanitary Code Inspector

Preformed Sanitary Code Inspections

Lawrence, MA 1978 -July 1988

- Investigated nuisances and sources of filth and causes of sickness to abate violations and correct unsanitary conditions
- Preformed housing inspections, occupancy inspections, rooming house inspections, garbage and trash inspections
- Issued violation citations and maintain all proper documentation

#### **EDUCATION**

#### **Lawrence High School**

Sept 1969 -May 1971

**Greater Lawrence Regional Vocational Technical High School** 

Sept 1967- May 1969

#### **CERTIFICATIONS**

10/30/09 Conflict of Interest Training 9/20/08 Hazardous Materials First Responder Awareness 3/12/08 Incident Command System IS-00300 10/16/06 Incident Command System IS-00200 11/28/05 Incident Command System IS-00100

#### **AFFILIATIONS**

6/1998 – 10/2009 – Chief Steward: Supervisors and Administrators Union SEIU Local 888

5/1987 – 5/2005 – Massachusetts State License Construction Supervisor #045204

11/1987-6/1988 – President: Lawrence Inspections Union AFSCME Council 93-Local 1402A

#### **ACCOMPLISHMENTS**

The accomplishment that I am most proud of is the implantation of the non criminal trash ticketing program in the City of Lawrence. In 1988 I investigated the City of Boston's trash ticketing program and brought the ideas back and started our own program in Lawrence. We created ordinances similar to Boston's for controlling trash issues. To this day the program continues to be in use, helping the city to fight garbage and trash problems since its inception over 20 years ago.

In 2008 I became part of the Abandoned Building Task Force along with the Police, Fire, and Community Development departments. This task force combated the many vacant properties that were in the City of Lawrence. As a result of our team work, banks and property owners are now required to register any vacant or foreclosed property with the Inspectional Services Department for a hundred dollar fee. This program has helped the city generate more than \$100,000 annually. More importantly, it quickly lets the Police, Fire, and Inspectional Services Departments know who owns the building in the event of an emergency.

#### Thomas J Malley 38 Revere Street Nashua, New Hampshire 03060

perpost is 1000 hb

TAMESSOCIETES, MA.

Thursday, October 14, 2010

Town Administrator
Tyngsborough Massachusetts
Michael Gilleberto
25 Bryant Lane
Tyngsborough, MA 01879

Dear Mr. Gilleberto,

I recently came across the ad on the Municipal Website for an Inspector of Buildings/Building Commissioner. I also saw the posting for an Electrical Inspector.

I have recently retired from the City of Nashua as a Code Enforcement Officer after 20+ years of service. One is able to retire with full benefits in the State of New Hampshire once age plus length of service equals a qualifying point. I was looking through the Massachusetts sites for any positions that may be of benefit to all.

In New Hampshire (as my resume will reflect such) the ranking of Code Enforcement Officer is very similar to that of Inspector of Buildings/Building Commissioner. I have also recently left the Electricians Licensing Board as Chairman upon my retirement from Nashua.

I find both positions in Tyngsborough (Inspector of Buildings/Building Commissioner/Electrical Inspector) of great interest and hopefully will hear from you in the near future.

Sincerely yours,

Thomas J Malley

Cc: file

## **Thomas J Malley**

#### **Objective**

# Building Commissioner/Zoning enforcement Officer/Electrical Inspector

#### **Experience**

1986-2010 Retired City of Nashua

Nashua, NH

## Electrical, Plumbing, Mechanical, Building Inspections Code Enforcement Officer

- Inspections in all areas of construction and disciplines
- Enforce/Interpret/Research all codes, state laws, pertaining to existing and new buildings
- Zoning interpretations and enforcement
- Management Courses City of Nashua

1991–2004 Litchfield, NH Town of Litchfield,

#### **Assistant Code Enforcement Officer**

- Inspections in all areas of construction with different disciplines
- Assistant Health Officer
- Enforce ALL codes, state laws, pertaining to existing and new buildings

#### **Education**

1967

North Middlesex Regional High, Townsend, MA

## Certifications and Boards

- High School
- Master Electrician New Hampshire and Massachusetts
- Certified One and Two Family Building, Electrical, Mechanical, Plumbing Inspector – ICC Certified
- Certified One and Two Family Combination Inspector ICC Certified
- Certified Electrical Inspector General ICC Certified
- Certified Construction Consultant, Certified Project Manager, Certified Inspector - ACI Certified
- State of New Hampshire Electricians Board 1990 to 2010
- Advisory Committee on Fire Alarms Building Code Review Board

58 Jefferson Road Dracut, MA 01826 Cell: ' ray.matte@verizon.net

September 14, 2010

Michael Gilleberto Town Administrator 25 Bryants Lane Tyngsborough, MA 01879

Dear Michael Gilleberto,

I am submitting my credentials in response to your recent advertisement for a Building Commissioner / Zoning Enforcement officer. I am currently a Massachusetts State Certified Inspector of Buildings / Building Commissioner and I am currently working as a Building Inspector for the Town of Concord, MA.

I have in-depth knowledge and experience working as a Building Inspector for both the Town of Concord and the Town of Dracut.

With my extensive knowledge and experience working in the construction industry and my customer relation skills, I believe I would be an excellent candidate for the Town of Tyngsborough Building Commissioner position.

I would be happy to discuss further details of my qualifications as they relate to the Building Commissioner position in a personal interview.

Sincerely,

Raymond Matte

Rayulmotte

## Raymond M. Matte 58 Jefferson Road Dracut, MA 01826

## ray.matte@verizon.net

## Summary

Experienced Massachusetts Certified Inspector of Buildings / Building Commissioner. Proven track record of excellent communications, customer relations, and management skills. Owner of a valid, unrestricted construction supervisor's license and a Massachusetts driver's license.

Daily responsibilities include but are not limited to performing onsite building inspections, review building plans, assist building contractors, architects and Concord residents with questions regarding building codes, Zoning Bylaws and special permit requirements. Recognized as being well organized, having a positive attitude, with attention to detail.

## <u>Professional Experience</u>

December 2006 - Present

Town of Concord, Concord MA

## **Building Inspector**

- Responsibilities include reviewing and approving residential and commercial building plans. Issue building permits, sign permits, certificates of occupancy, and certificates of inspection.
- Interpret and enforce the State Building Code, Architectural Access Board Requirements, Local Zoning and Sign Bylaws.
- Ensure Board of Appeal special permit conditions are met when applicable.
- Work closely with the Board of Health, Historic District Commission, Department of Natural Resources, Engineering, and Fire Department to review plans, and ensure compliance regulations are met.
- Perform onsite annual inspections of schools, churches, day care centers, nursing homes, etc... Per 780 CMR 106.5 table 106.
- Educate homeowners, contractors, architects, etc. by explaining State Building Codes, and Local Zoning Bylaws when necessary.
- Completed 10 hour occupational safety and health training.
- Attended training of 2009 International Energy Code.
- Working knowledge of Microsoft Outlook, Microsoft Word and Microsoft Excel.

### December 2005 - 2007

## Town of Dracut, Dracut MA

## **Building Inspector** (Part Time)

- Responsible for reviewing and approving residential and commercial building plans submitted to the building department.
- Perform onsite inspections of concrete footings, foundations, frames, and final inspections, on both commercial and residential buildings.
- Assist with the enforcement of Zoning Bylaws.

### 2003 - 2006

## Granite Hill Construction, Dracut, MA

Owner - General Contractor (Licensed Massachusetts Construction Supervisor)

- Responsible for all aspects of new home construction. This includes securing bank financing, purchasing of land, obtaining applicable building permits, and getting approvals from engineering and planning boards when necessary.
- Schedule sub-contractors, order necessary stock/material, and ensure that all aspects of construction are done to building code.
- Perform all pertinent paperwork, including paying contractors, and construction loans.
- Work directly with realtors and home buyers to ensure customer satisfaction.

#### 1983 - 2003

## Matte Masonry, Dracut, MA

## **Owner Operator**

- Hired, managed, and trained masons and laborers in the building of brick chimneys, fireplaces, steps, and brick veneers.
- · Located, and scheduled all work to be done
- Ordered stock needed for each job

## Steven A. Nocco 1 Fay Memorial Drive Tyngsborough, MA 01879

STAREP 23 CORNER STAREN

September 21, 2010

Mr. Michael Gilleberto Town of Tyngsborough 25 Bryants Lane Tyngsborough, MA 01879

Dear Mr. Gilleberto:

My name is Steven A. Nocco and as a loyal Planning Board Member in the town for over 9 years, I am excited about the possibility of working for the people of Tyngsborough. My past work experience, strong people skills, and dedication to the town would make me a great fit as the Building Commissioner / Zoning Enforcement Officer position that is available.

Currently, I am self employed as a general contractor. The best part about this job is that I am constantly interacting with customers and town officials. I have a passion for helping people, and working with them on ideas that best fit their needs and budget. Of course, there are always some customers with difficult situations and problems, but I view these as challenges to over come. I treat every person with the utmost respect and always do my best to leave customers with a positive experience. I feel that I can take this experience and bring my skills to the Town of Tyngsborough as Building Commissioner / Zoning Enforcement Officer. Furthermore, my familiarity with the town's by-laws and dedication to the Planning Board will ensure that I am knowledgeable and supportive of the town.

The Town of Tyngsborough will benefit from my positive attitude, patience and problem-solving skills. I am available for an interview at your earliest convenience and can be reached by phone at (978) 618-3248 or email at stevenocco@aol.com. I look forward to hearing from you soon. Thank you for your time and consideration.

Sincerely,

Steven A. Nocco

1 Memorial Drive
Tyngsborough, MA 01879

## **Experience**

## • Owner/President

Baystate Building Solutions, Tyngsborough, MA May 1999 - Present

Baystate Building Solutions is a residential and commercial construction company that specializes in custom homes, remodeling and commercial building design. Responsibilities include quoting jobs, handle permit applications, hire labor and sub-contractors and manage cash flow. Also work with Architects, Engineers and Building Inspectors ensuring buildings will meet all construction guidelines and pass building codes.

#### Road Design / Site Development

Connell Construction Corporation, Tyngsborough, MA April 1996 - May1999

As a member of Connell Construction Corp. I was able to gain the experience necessary to succeed. As a machine operator I worked with site engineers to build drainage systems, utility trenches and roads. My other duties also included making sure that each sub-contractor had completed all work necessary to obtain various building inspections.

#### Owner/President

Nocco Construction Corporation, Tewksbury, MA June 1989 -1996

Started out in business as a roofing / siding contractor. After a couple of years I expanded my abilities and started framing homes and additions. Was responsible for maintaining all aspects of the construction trade, including hiring labor, manage cash flow, quote jobs, while building a reputation with builders and home owners.

#### Chairman of the Board

Tyngsborough Planning Board, Tyngsborough, MA 2001 - Present

The Planning Board plays a major role with town development. I am one of five board members that unilaterally make decisions for all applicants who come before us and as a member I take great pride in the following duties:

- Reviewing site plans and implementing the laws for proposed sub-divisions.
- Continuously monitor and update sub-division control laws, keeping current with industry.
- Reviewing site plans and zoning by-laws for special permits. To ensure the safety of the general public.
- Working with multiple town departments and town council when necessary to complete tasks in a timely manner.
- Planning Board Representative on amendments to zoning and other related regulations.
- Site visits as needed to become familiar with any complications that may arise.

#### Summary

Over Twenty years experience in the building \ construction industry with a diverse background in all aspects of construction management, site development, business management, and safety. I am a self motivated professional who takes pride in everything I do, from raising a wonderful family, to building a successful career. I will take all of my experience and passions to do the best job I can.

## .icenses/ Certifications

**OSHA Safety Corse**, December 2006 – Present

Home Improvement Contractors Registration, April 1992 - Present

Construction Supervisors License, January 1992 - Present

Unrestricted license from the state of Massachusetts.

## **Hoisting Engineering License**, June 1990 - Present Obtained license from the state of Massachusetts.



- Richard Burrows
  Deputy Chief
  Tyngsborough Police Department
  20 Westford Road, Tyngsborough, MA 01879
  Phone:
- Richard D. Howe
   Detective Sergeant

   Tyngsborough Police Department
   Westford Road, Tyngsborough, MA 01879
   Phone:
- Patrick E. Sands
   Captain of Fire Department
   Tyngsborough Fire Department
   Kendall Road, Tyngsborough, MA 01879
   Phone: ^--
- Donald Ciampa
   Superintendent of Schools
   Town of Tyngsborough
   Norris Road, Tyngsborough, MA 01879
   Phone: 91 38
- James Hustins
   Interim Highway Administrative Assistant
   89 Kendall, Tyngsborough, MA 01879
   Phone:

Town Administrator

Michael Gilleberto

Dear Michael Gilleberto,

I am responding to your recent advertisement for a building commissioner /zoning officer.

As you can see from my resume, I have 30 years of experience in many aspects of the construction field ranging from road building, water, sewer, and drainage installation and residential home building. Because of my time on the Sewer Commission, Board of Selectman, and the large majority of my business being conducted in Tyngsborough, I feel I have an excellent knowledge of the physical characteristics of the town,. I also have knowledge of the town zoning and bylaws.

Based on my experience and strong commitment to the Town of Tyngsborough, I know I will add significant value to Tyngsborough. I look forward to discussing my capabilities in more detail, and am available for a personal interview at your convenience. I know you are busy, and have many applications to review, so please let me know if you wish to further discuss your requirements and my ability to meet them. I can be reached at 978-549-4027. Thank you for your time and consideration.

Frederick H. Perrault

March Sept 18 9: 18

#### Frederick H. Perrault 41 Redgate Road Tyngsboro, Ma 01879

#### Professional Qualifications

Thirty years of experience in various aspects of construction ranging from public works projects to commercial and private projects. Demonstrated expertise in all areas of construction including operations, finance, and staff management. Owner and operator of three construction companies, union and nonunion, ranging from two to fifteen employees. Strong communication skills and leadership skills with a proven track record of highly successful project completion.

employees. Stro	on companies, union and nonunion, ranging from two to fifteen on communication skills and leadership skills with a proven track record sful project completion.
	Experience
1979-1992	P.Gioioso and Sons Hyde Park, Massachusetts  General laborer and truck driver  Pipe foreman
1992-1994	<ul> <li>Pipe tester (water &amp; sewer)</li> <li>Roads Corporation</li> <li>Billerica, Massachusetts</li> <li>Loader and excavator operator</li> </ul>
1991-Present	F.H. Perrault Construction Tyngsboro, Massachusetts  Owner, Operator Site Contracting, Excavation Snowplowing and Sanding Commercial and Residential Building Projects
2004-2005	P.V. Construction Stoneham, Massachusetts Co-owner, Operator Union Company Public Works Contracts Company dissolved 2005
2006-Present	Borough Sewer Service Tyngsboro, Massachusetts  Owner, Operator  Septic Pumping and Maintenance,  Septic System Installation  Title V Inspector  Portable Toilet Rentals,  Residential and commercial systems

	Education
1979	Dracut High School
	❖ Business Class Focus
1982	University of Massachusetts Lowell (Certificate Courses)
	Survey 1
	Energy Efficient Building
	<ul> <li>Construction Materials &amp; Strengths</li> </ul>
	Licenses
	❖ Class B CDL
	<ul> <li>Hydraulic License</li> </ul>
	❖ Construction Supervisor License
	♦ Home Improvement Contractor Licenses
	❖ Title V, Inspector
	Life Experience
1996-1999	Sewer Commissioner, Town of Tyngsboro
1999-2002	Selectman, Town of Tyngsboro
2007-2009	Finance committee, Town of Tyngsboro
1995-1999	Chairman, Tyngsboro Democratic Town Committee
1999-2008	Vice-Chair, Tyngsboro Democratic Town Committee
	Furnished Upon Request

#### PROFESSIONAL SUMMARY

## 600 0-

#### General Superintendent/Project Manager

- Highly skilled career professional with more than 20 years practical experience in all phases of new construction, rehabilitation work and facilities maintenance. LINESONOMINALUTEN
- Responsible for subcontractors and all activities on site for commercial construction. Schedule, monitor, and inspect all work from start to customer orientation.
- Maintain budgets, process invoices, and control overhead costs.
- Provide ongoing project status updates with all parties during the construction process.
- Provide project reports, documentation, technical assistance, support and collaboration.
- Manage vendors and subcontractors to ensure quality control and project delivery on time and within budget, while meeting or exceeding customer expectations.

#### **CREDENTIALS**

**Massachusetts Construction Supervisors License** 

CS # 07990

Massachusetts Journeyman Pipefitters License

PJ # 050003

City of Boston Class A-B-C Unrestricted Builders License

B #19274

#### **EXPERIENCE**

111 Huntington Ave 36 Story High Rise Bldg. and Class 'A' office space Fit-out

Huntington Ave, Boston

M.I.T. Graduate Dormitory, 8 Story High Rise Bldg. and Fit-out

Vassar St, Cambridge Ma

Stony Brook Office Park, 4 Story Low-Rise Office Building and Fit-out

Kent St. Waltham Ma

7 Cambridge Center Bio-Med Research Facility, 8 Story High Rise Bldg. and Fit-out

Main St. Cambridge Ma

Novartis Bio-Med World Head Quarters, 6 Story High Bldg. and Fit-out

Mass Ave Cambridge Ma

Mass. General Hospital Bio-Med Research Facility, 12 Story High Rise Bldg. and Fit-out

Cambridge Street, Boston Ma.

Huntington Ave, Boston Ma.

Slattersville Mills Apartment Complex Historical Textile Mill Conversion

Slattertville R.I.,

Rivers Edge Office Park 4 Story Low-Rise and Fit-out

Medford ,Ma

**Currently General Superintendent** Museum of Fine Arts New Edition and Fit-out

#### **EDUCATION**

Medford High School Vocational and General Studies Gould Institute of Construction Certificate ASME code Pipe-fitter Brunswick Community College Welding Certificate Naval Education and Training Center Construction /Vocational Certificate OSHA 10 hour and 30 hour training certification.

#### **Military Experience**

United States Navy and Naval Reserve , Honorably Discharged and Retired Sept.2002

Served on Active Duty and Reserves for a combination of 22 years.

Returned to active duty for one year 9-11-01, Honorably discharged and retired.

#### **Employment**

John Moriarty and Associates

Pipefitter/General Foreman

1998 -Currently Employed

29 Church Street

Winchester Ma. 01890

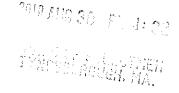
Massachusetts Institute of Technology 400 Main St, Cambridge Ma.

1988 -1998

JAVCO Contracting Commercial /Residential 1220 Salem St. No. Andover

1985-1988

General Foreman



## Robert A. Samarel

18 Paul Avenue Nashua, New Hampshire 03060

m

#### Dear Sir/Madam:

In order to maintain the competitive edge in today's rapidly changing construction industry, concerned employees must choose prospective personnel most carefully. Selected candidates must be able to display a diverse range of skills, knowledge, and experience. As a professional with these qualities, let me briefly highlight the skills and values I will bring to your organization.

- Time management, decision-making subcontractor coordination, safety coordinator/monitor and scheduling skills developed through education and experience as an Assistant / Superintendent.
- Proven success in prioritizing time and completion of intense work loads under pressures to meet project deadlines and achieve results.
- An energetic, enthusiastic, and "people-driven" communication style.
- Knowledge in operating and safely maintaining any type of construction projects.

I am confident that my professional experience, continued education, and my dedication to long-range objectives will produce positive results within your organization.

I appreciate your time in reviewing my qualifications and look forward to a personal interview. Feel free to contact me by phone # 603-891-0674 or e-mail  $\underline{\text{samorelli@msn.com}}$ .

Sincerely,

Robert A. Samarel

Enclosure:

#### Robert A. Samarel

18 Paul Avenue Nashua, New Hampshire 03060

#### Project Manager/Superintendent

#### **Profile**

Closely overseeing all stages of projects equaling up to \$40 million, while ensuring quality, meeting timeline goals and meeting budgets. Manage project planning, take-offs and supervising 200 employees. Organize teams and delegated tasks to maximize productivity. Managed change orders and close-out documents. Completed commercial and residential projects.

Acquired a working knowledge in all phases of safety, productivity, scheduling, and quality in multi-family, residential, commercial, low & high rise steel and reinforced concrete, as well as block and plank construction projects. Able to interface with trade requirements, heavy equipment operations, excavation and demolition requirements for construction projects. Familiar with reading blueprints/specifications and utilizing project schedules. Relate well to-professionals, owners, engineers, architects and contractors.

#### **Core Competencies**

- Directly involved with MEP Coordination
- Project Records and Document
- Safety coordinator for onsite safety and orientations
- Problem Solving/Issue Resolution
- Team Leadership
- Quality Assurance
- Field Engineering/Lay-Out

#### **Key Contributions**

- Increased productivity to deliver projects ahead of schedule.
- Implemented an onsite Safety Orientation.
- Hands on Field Coordination

## A&A Window Products/ Project Superintendent/Malden, MA 2010

May 2009-April

## CorJen Builders/Assistant Project Superintendent/ Boston, MA 2009

May 2005- March

Field Engineer

August 2000 January 2002

### Abbott Real Estate Developers Boston, MA Assistant Project Superintendent

May 2002-May 2005

#### **Big Dig Road Projects:**

1995-2000

J.F. White, Leveret on Ramp at North Station Perini, Interstate 93 and Interstate 95 intersection Kiewit, Interstate 93 East at Ted Williams's tunnel

#### Robert A. Samarel 18 Paul Avenue Nashua, New Hampshire 03060

Samorelli@msn.com

#### **Education:**

Wentworth Institute of Technology – Boston, MA. Bachelors Degree, Project Management EXP 2012 Associate of Science, Building Construction 2010

## **Professional Training**

Leed Certification EXP 2010

Massachusetts Construction Supervisor's License. # CS 86928

Member of Carpenters Union Local #218 Journeymen

Certification of the OSHA 30 Ohr. Outreach Program.

Certified in Basic First Aid/CPR

Class A Tractor Trailer License

**Technical Proficiencies** 

MicroSoft Suite: (Microsoft Excel, Word, Power Point, Project) Auto Cad

## Robert A. Samarel 18 Paul Avenue

Nashua, New Hampshire 03060

#### Samorelli@msn.com

## **Project List**

#### **Commercial Projects**

Massachusetts Department of Education

Malden, MA

129,279 S/F -\$40 Million

**Bentley College** 

Baker Library, Waltham, MA

180,000S/F -\$14Million

#### **Residential Projects**

Peninsula at Columbia Point

Boston, MA

(9) story 120 Units./ \$ 28 Million

**Bentley College** 

Waltham, MA

15,540 SF, \$12Million

Park Square West

Stamford, CT

(9) story 180 Units./ \$ 32 Million

Cambridge Park Place

Cambridge, MA

Mixed Use

**Mass Art** 

Boston, MA

Dorm Rooms

\$14 Million

Village At the Point

Mansfield, MA

Retirement Community, 28 units. \$6M

## **Big Dig Road Work Projects**

Leveret on Ramp at North Station Interstate 93 and Interstate 95 intersection Interstate 93 East at Ted Williams's tunnel

TYPESEGROUGH, MA.

Dear Michael Gilleberto,

This letter is to express my interest in the Building Inspector/Code Enforcement job advertised in the classified section of the Lowell Sun. The opportunity presented is very appealing and I believe with my experience and expertise in the construction business for 29 years that I would be a competitive candidate for the position.

The key strengths that I possess for success in this position include, but not limited to the following:

- \* Strong communication skills
- \* Strive for continued excellence
- \* Provide exceptional service to customers

You will find me to be well spoken, energetic, confident, and personable. I also have a wide range of experience in all phases of construction from years of experience. Please see my resume for additional information on my experience.

I hope that you will find my experience intriguing enough for an interview as your schedule allows. I look forward to speaking with you about this employment.

Sincerely,

Mark Sullivan

## Mark Sullivan 17 High St Chelmsford , Mass. 01824

00

## **Objective**

Being in the real estate development business for 29 years building single family homes and residential condo projects I would bring great strength to the town of Tyngsboro. I have years of experience dealing with engineers, town planners, town and city inspectors, real estate agents, bankers, lawyers, customers, and sub contractors. Having great ability to communicate with all of the above is a great skill to possess. Being confronted with daily issues and being able to resolve the issues effectively for all parties is something that I could offer the town of Tyngsboro. That ability has come from years of experience and understanding how to deal with each issue and how to resolve the problem effectively. Organizational skills with regards to time management and scheduling is a highly regarded talent when you are working with the general public and trying to satisfy all needs. I feel that when working with the public you first need to listen, understand what they are looking for, and explain the steps they need to get to where they need to be. Being personable and able to communicate is very important when working with the general public.

**Work History** 

August 1981 JKA Builders LLC

**Chelmsford Mass** 

To Present

Licensed Massachusetts Construction Supervisor #20118

Developed land from single family lots to 60 lot subdivisions throughout the Merrimack Valley and Southern New Hampshire. Built and sold hundreds of single family houses and residential condos. I have

subdivided land and put the roads in , posted bonds, dealt with planning boards and planning departments. The projects began with from the first tree to be cut to the final bond release from the town. Over the years I have dealt with numerous sub contractors and understand the importance of time when it has to do with inspections. Throughout the years I have done fit ups for commercial space which would include banks and restaurants in the local area.

#### Education

Associates Degree Northern Essex Community College Haverhill, Mass

#### **Activities**

Currently on the Board of Directors - Battles Home Foundation , Lowell ,Mass.

Former Director - Butler Bank, Lowell, Mass.

### Paul L. Welcome 151 West Meadow Road Lowell, MA 01854

2010 SEP -3 ZUIO: 25
TYNGSBSZOUGH, HA

September 1, 2010

Town Administrator Michael Gilleberto 25 Bryants Lane Tyngsborough, MA 01879

Dear Mr. Michael Gilleberto,

Enclosed please find my resume detailing extensive experience as a Local Building Inspector. Please consider the enclosed resume and accept it as an application for the position of Building Commissioner/Zoning Enforcement Officer, Town of Tyngsborough.

My background includes examination of building plans, field inspection of building projects, interpretation of zoning ordinances and issuance of building permits. I have thorough knowledge of modern practices, principles, materials and tools used in building construction, including concrete and structural steel.

I have earned Commonwealth of Massachusetts Inspector of Building and Building Commissioner certification and ICC Inspector of Building certification. My knowledge of city of Lowell ordinances, which pertain to Massachusetts State Building Code, includes providing testimony in legal proceedings held at Lowell Superior Court.

I believe my extensive work experience, work ethic and desire to maintain the highest level of professional standards would be a welcome addition to your department.

assective for the comparison was a great

Thank you for your consideration and I look forward to the opportunity to meet with you personally to discuss my qualifications in greater detail.

The first of the arms of the company of the company

Best regards,

Paul L. Welcome

### Paul L. Welcome

151 West Meadow Road Lowell, MA 01854

#### **EXPERIENCE:**

2005-Present

City of Lowell - Inspectional Services

Lowell, MA

**Local Building Inspector** 

Certified by Commonwealth of Massachusetts, State Board of Building Regulations and Standards. Perform all aspects of building inspection services for new and rehabilitation residential and commercial construction. Protect public health and safety by making appropriate periodic inspections after building permits issued to construct, alter, repair or demolish commercial and residential structures. Respond to complaints regarding the enforcement of building codes and zoning regulations.

#### Awards and Certifications:

- BBRS, Certified Building Official, Commonwealth of Massachusetts and ICC.
   Inspector of Buildings / Building Commissioner. Certificate # 08-07-1595 Expiration: 12/31/2011
   Construction Supervisor # CS 092674 Restricted to: 00 / Expiration: 08/22/2011
- Emergency Management Institute: FEMA Certificate of Achievement Introduction to the Incident Command System, 10/16/06.
- International Code Council:
  - 2003 IRC Performing Residential Building Inspections.
  - 2003 IRC Performing Residential Mechanical Inspections
  - 2006 Fundamentals of Massachusetts Building Code for One and Two Family Dwellings.
- Certificate of Completion: International Training Institute for the Sheet Metal and Air Conditioning Industry.
- OSHA: Completion of Ten Hour OSHA Construction Class.

2003-2005

Joe's Garage

Lowell, MA

Manager

Managed the day-to-day operation of a retail gasoline and automobile repair business. Supervised six employees, including one full-time mechanic. Reconciled cash receipts with daily reports, maintained cash ledger and invoice charge accounts. Maintained appearance and operating condition of all repair equipment and fuel dispensing system.

2000-2003

Hunter Investments, Inc.

Pelham, NH

**Construction Superintendent** 

Supervised the interior build-out of twelve 2,000 square foot units in a commercial/industrial building. Worked with tenants in designing the layout. Hired and supervised framing, HVAC, plumbing, and electrical contractors. Performed drywall installation, mud and tape and interior painting. Installed finish trim, doors and stairways.

1997-2000

White Birch Tree Development Corp.

Lowell, MA

Heavy Equipment Operator / Site Supervisor

Completed site work on a fourteen unit single-family residential development in Lowell, MA. Dug trenches for utilities, dug foundation holes and completed final grading for entire site. Performed deck framing and finish carpentry including cabinet installation and door trim.

1986-1997

Precision Coating Services, Inc.

Salem, NH

Construction Supervisor / Production Manager

Responsible for the build out a 4,000 sqf. Commercial space to accommodate a printed circuit board manufacturing company. Installation of involved complex electrical, plumbing, and HVAC designs, Ensured compliance with architectural design plans, obtained permits, plan approvals and sign-offs From Town of Salem NH building department. After build out was complete, I was hired as production manager. And was responsible the printed circuit board manufacturing services operation. Scheduled work flow, supervised employees and maintained processing equipment including ovens, compressors, chemical treatment areas and electronic production equipment. Ordered material and spare parts.

1984-1986

Donovan Construction, Inc.

Lowell, MA

Assistant Carpenter

Assisted in general home repairs and framing. Built decks, installed hardwood floors and interior wood trim finish. Replaced sills, and installed wood and vinyl siding.

1981-1984

Martin Welding, Inc.

Lowell, MA

**Heavy Equipment Operator** 

**EDUCATION:** 1977-1981

Greater Lowell Regional Vocational Technical School

Lowell, MA; concentration: welding

INTERESTS:

Coaching baseball, motorcycles

The Official Website of the Attorney General of Massachusetts



## Attorney General Martha Coakley



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#### 940 CMR 29.00: Open Meetings

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Effective Detober 1, 2010

#### 29.01: Purpose, Scope and Other General Provisions

- (1) Authority. The Attorney General promulgates 940 CMR 29.00, relating to the Open Meeting l M.G.L. c. 30A. § 25 (a) and (b).
- (2) Purpose. The purpose of 940 CMR 29.00 is to interpret, enforce and effectuate the purposes of the Open Meeting Law, M.G.L. c. 30A §§ 18 through 25.
- (3) Severability. If any provision of 940 CMR 29.00 or the application of such provision to any person, public body, or circumstances shall be held invalid, the validity of the remainder of 940 CMR 29.00 and the applicability of such provision to other persons, public bodies, or circumstances shall not be affected thereby
- (4) Mailing. All complaints, notices (except meeting notices) and other materials that must be sent to another party shall be sent by one of the following means: first class mail, email, hand delivery, or by any other means at least as expeditious as first class mail.

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#### 29.02: Definitions

As used in 940 CMR 29.00, the following terms shall, unless the context clearly requires otherwise, have the following meanings:

Commission means the Open Meeting Law Advisory Commission, as defined by G.L. c. 30A § 19(c).

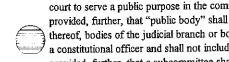
Emergency means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.

Intentional Violation means an act or omission by a public body, or a member of a public body, that knowingly violates M.G.L. c. 30A, §§18 through 25. Conduct in violation of M.G.L. c. 30A, §§ 18 through 25, shall be considered evidence of an intentional violation where the body or member has previously been informed by receipt of a decision from a court of competent jurisdiction or advised by the Attorney General, pursuant to 940 CMR 29.07 or 940 CMR 29.08 that the conduct violates M.G.L. c. 30A, §\$18 through 25.

Person means all individuals and entities, including governmental officials and employees. Person does not include

Post notice means to place a written announcement of a meeting on a bulletin board, electronic display, website, cable television channel, newspaper or in a loose-leaf binder in a manner conspicuously visible to the public, including persons with disabilities, at all hours, in accordance with 940 CMR 29.03.

Public body has the identical meaning as set forth in M.G.L. c. 30A, \$18, that is, a multiple-member board, commission, committee or subcommittee within the executive or legislative branch or within any county, district, city, region or town, however created, elected, appointed or otherwise constituted, established to serve a public purpose; provided, however, that the governing board of a local housing, redevelopment or similar authority shall be deemed a local public body; provided, further, that the governing board or body of any other authority established by the general



court to serve a public purpose in the commonwealth or any part thereof shall be deemed a state public body; provided, further, that "public body" shall not include the general court or the committees or recess commissions thereof, bodies of the judicial branch or bodies appointed by a constitutional officer solely for the purpose of advising a constitutional officer and shall not include the board of bank incorporation or the policyholders protective board; and provided, further, that a subcommittee shall include any multiple-member body created to advise or make recommendations to a public body.

Qualification for Office means the election or appointment of a person to a public body and the taking of the oath of office, where required, and shall include qualification for a second or any subsequent term of office. Where no term of office for a member of a public body is specified, the member shall be deemed to be qualified for office on a biannual basis on January 1st of a calendar year beginning on January 1, 2011. Where a member's term of office began prior to July 1, 2010, and will not expire until after July 1, 2011, the member shall be deemed to have qualified for office on January 1, 2011.

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#### 29.03: Notice Posting Requirements

#### (1) Requirements Applicable to All Public Bodies

- (a) Except in an emergency, public bodies shall file meeting notices sufficiently in advance of a public meeting to permit posting of the notice at least 48 hours in advance of the public meeting, excluding Saturdays, Sundays and legal holidays, in accordance with M.G.L. c. 30A, §20. In an emergency, the notice shall be posted as soon as reasonably possible prior to such meeting
- (b) Meeting notices shall be printed or displayed in a legible, easily understandable format and shall contain the date, time and place of such meeting and a listing of topics that the chair reasonably anticipates will be discussed at the meeting. The list of topics shall have sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting. The date and time that the notice is posted shall be conspicuously recorded thereon or therewith.
- (c) Notices posted under an alternative posting method authorized by 940 CMR 29.03(2)-(5) shall include the same content as required by 940 CMR 29.03(1)(b). If such an alternative posting method is adopted, the municipal clerk, in the case of a municipality, or the body, in all other cases, shall file with the Attorney General written notice of adoption of the alternative method, including the website address where applicable, and any change thereto, and the most current notice posting method on file with the Attorney General shall be consistently used

#### (2) Requirements Specific to Local Public Bodies

- (a) The municipal clerk, or other person designated by agreement with the municipal clerk, shall post notice of the meeting in a manner conspicuously visible to the public at all hours in or on the municipal building in which the clerk's office is located... Such notice shall be accessible to the public in the municipal clerk's office. If such notice is not conspicuously visible to the public during hours when the clerk's office is closed, such notice shall also be made available through an alternative method prescribed or approved by the Attorney General under 940 CMR 29.03(2)(b). A description of such alternative method, sufficient to allow members of the public to obtain notice through such method, shall be posted in a manner conspicuously visible to the public at all hours on or adjacent to the main and handicapped accessible entrances to the municipal building in which the clerk's office is located.
- (b) For local public bodies, the Attorney General has determined, pursuant to M.G.L. c. 30A, §20(c), that the following alternative methods will provide more effective notice to the public:
  - 1. Public bodies may post notice of meetings on the municipal website;
  - 2. Public bodies may post notice of meetings on cable television, AND, post notice or provide cable television access in an alternate municipal building (e.g., police or fire station) where the notice is accessible at all hours;
  - 3. Public bodies may post notice of meetings in a newspaper of general circulation in the municipality, AND, post notice or a copy of the newspaper containing the meeting notice at an alternate municipal building (e.g., police or fire station) where the notice is accessible at all hours;
  - 4. Public bodies may place a computer monitor or electronic or physical bulletin board displaying meeting notices on or in a door, window, or near the entrance of the municipal building in which the clerk's office is located in such a manner as to be visible to the public from outside the building, or;



 Public bodies may provide an audio recording of meeting notices, available to the public by telephone at all hours.

#### (3) Requirements Specific to Regional or District Public Bodies.

- (a) Notice shall be filed and posted in each city and town within the region or district in the manner prescribed for local public bodies in that city or town.
- (b) As an alternative method of notice, a regional or district public body may post a meeting notice on the regional or district public body's website. A copy of the notice shall be filed and kept by the chair of the public body or the chair's designee.

#### (4) Requirements Specific to Regional School Districts.

- (a) The secretary of the regional school district committee shall be considered to be its clerk. The clerk of the regional school district shall file notice with the municipal clerk of each city and town within such district and each such municipal clerk shall post the notice in the manner prescribed for local public bodies in that city or town.
- (b) As an alternative method of notice, a regional school district committee may post a meeting notice on the regional school district's website. A copy of the notice shall be filed and kept by the secretary of the regional school district committee or the secretary's designee.

### (5) Requirements Specific to County Public Bodies.

- (a) Notice shall be filed and posted in the office of the county commissioners and a copy of the notice shall be publicly posted in a manner conspicuously visible to the public at all hours in such place or places as the county commissioners shall designate for this purpose.
- (b) As an alternative method of notice, a county public body may post a meeting on the county public body's website. A copy of the notice shall be filed and kept by the chair of the county public body or the chair's designee.
- (6) Requirements Specific to State Public Bodies. Notice shall be posted on a website in accordance with procedures established by the Attorney General in consultation with the Information Technology Division of the Executive Office for Administration and Finance for the purpose of providing the public with effective notice. A copy of each notice shall also be sent by first class or electronic mail to the Secretary of State's Regulations Division. The chair of each state public body shall notify the Attorney General in writing of its Internet notice posting location and any change thereto. The public body shall consistently use the most current notice posting method on file with the Attorney General.

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#### 29,04: Certification

- (1) For local public bodies, a document including M.G.L. c. 30A, §§18 through 25; a document including 940 CMR 29.00; and educational materials prepared by the Attorney General explaining M.G.L. c. 30A, §§18 through 25, and its application, shall be delivered by the municipal clerk to each member of a public body, whether elected or appointed, upon taking the oath of office, if required, and in every case before entering into performance of the office. Within two weeks after receipt of such materials, the member shall certify, on the form prescribed by the Attorney General, receipt of such materials. The municipal clerk shall maintain the signed certification for each such person, indicating the date the person received the materials.
- (2) For regional, district, county or state public bodies, a document including M.G.L. c. 30A, §§18 through 25; a document including 940 CMR 29.00; and educational materials prepared by the Attorney General explaining M.G.L. c. 30A, §§18 through 25, and its application, shall be delivered by the appointing authority, executive director or other appropriate administrator or their designees, to each member of a public body, whether elected or appointed, upon taking the oath of office, if required, and in every case before entering into the performance of the office. Within two weeks after receipt of such materials, the member shall certify, on the form prescribed by the Attorney General, receipt of such materials. The appointing authority, executive director or other appropriate administrator, or their designees, shall maintain the signed certification for each such person, indicating the date the person received the materials.

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29.05: Complaints

- (1) All complaints shall be in writing, using the form approved by the Attorney General and available on the Attorney General's website. A public body need not, and the Attorney General will not, investigate or address anonymous complaints.
- (2) Public bodies, or the municipal clerk in the case of a local public body, should provide any person, on request, with an Open Meeting Law complaint form. If a paper copy is unavailable, then the public body should direct the requesting party to the Attorney General's website, where an electronic copy of the form will be available for downloading and printing
- (3) For local public bodies, the complainant shall file the complaint with the chair of the public body, who shall disseminate copies of the complaint to the members of the public body. The complainant shall also file a copy of the complaint with the municipal clerk, who shall keep such filings in an orderly fashion for public review on request during regular business hours. For all other public bodies, the complainant shall file the complaint with the chair of the relevant public body, or if there is no chair, then with the public body. The complaint shall be filed within 30 days of the alleged violation of M.G.L. c. 30A, §\$18 through 25, or if the alleged violation of M.G.L. c. 30A, §\$18 through 25, could not reasonably have been known at the time it occurred, then within 30 days of the date it should reasonably have been discovered.
- (4) The public body shall review timely complaints to ascertain the time, date, place and circumstances which constitute the alleged violation. If the public body needs additional information to resolve the complaint, then the chair may request it from the complainant within seven business days of receiving the complaint. The complainant shall respond within 10 business days after he or she receives the request. The public body will then have an additional 10 business days after receiving the complainant's response to review the complaint and take any remedial action pursuant to 940 CMR 29.05(5)...
- (5) Within 14 business days after receiving the complaint, unless an extension has been granted by the Attorney General as provided in 940 CMR 29.05(5)(a) and (b), the public body shall review the complaint's allegations; take remedial action, if appropriate; and send to the Attorney General a copy of the complaint and a description of any remedial action taken. The public body shall simultaneously notify the complainant that it has sent such materials to the Attorney General and shall provide the complainant with a copy of the description of any remedial action taken.
  - (a) Any remedial action taken by the public body in response to a complaint under 940 CMR 29.05(5) shall not be admissible as evidence that a violation occurred in any later administrative or judicial proceeding against the public body relating to the alleged violation.
  - (b) If the public body requires additional time to resolve the complaint, it may obtain an extension from the Attorney General by submitting a written request within 14 business days after receiving the complaint. The Attorney General will grant an extension if the request demonstrates good cause. Good cause will generally be found if, for example, the public body cannot meet within the 14 business day period to consider proposed remedial action. The Attorney General shall notify the complainant of any extension and the reason for it.
- (6) If at least 30 days have passed after the complaint was filed with the public body, and if the complainant is unsatisfied with the public body's resolution of the complaint, the complainant may file a complaint with the Attorney General. When filing a complaint with the Attorney General, the complainant shall include a copy of the original complaint along with any other materials the complainant believes are relevant. The Attorney General may decline to investigate complaints filed with the Attorney General more than 90 days after the alleged violation of M.G.L. c. 30A, §§18 through 25, unless an extension was granted to the public body or the complainant demonstrates good cause for the delay.
- (7) The Attorney General shall acknowledge receipt of all complaints and will resolve them within a reasonable period of time, generally 90 days. If additional time is necessary to resolve a particular complaint, the Attorney General will notify the complainant and the public body.
- (8) If a complaint appears untimely, is not in the proper form, or is missing information, the Attorney General shall return the complaint to the complainant within 14 business days of its receipt, noting its deficiencies. The complainant shall then have 14 business days to correct the deficiencies and resubmit the complaint to the Attorney General. If the deficiencies are not corrected, no further action on the complaint will be taken by the Attorney General.

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#### 29.06: Investigation

Whenever the Attorney General has reasonable cause to believe that a violation of M.G.L. c. 30A, §§18 through 25, has occurred that has not been adequately remedied, then the Attorney General may conduct an investigation.

(1) The Attorney General shall notify the public body or person that is the subject of a complaint and an

investigation of the existence of the investigation within a reasonable period of time. The Attorney General shall also notify the public body or person of the nature of the alleged violation

(2) Upon notice of the investigation, the subject of the investigation shall provide the Attorney General with all information relevant to the investigation. The subject may also submit a memorandum or other writing to the Attorney General, addressing the allegations being investigated.

If the subject of the investigation fails to voluntarily provide the necessary or relevant information within 30 days of receiving notice of the investigation, the Attorney General may issue subpoenas to obtain the information in accordance with M.G.L. c. 30A, §24, to:

- (a) Take testimony under oath;
- (b) Examine or cause to be examined any documentary material; or
- (c) Require attendance during such examination of documentary material by any person having knowledge of the documentary material and take testimony under oath or acknowledgment in respect of any such documentary material.

Any documentary material or other information produced by any person pursuant to 940 CMR 29.06 shall not, unless otherwise ordered by a court of the Commonwealth for good cause shown, be disclosed without that person's consent by the Attorney General to any person other than the Attorney General's authorized agent or representative. However, the Attorney General may disclose the material in court pleadings or other papers filed in court; or, to the extent necessary, in an administrative hearing or other action taken to conduct or resolve the investigation pursuant to 940 CMR 29.00.

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#### 29.07: Resolution

- (1) No Violation. If the Attorney General determines, after investigation, that the M.G.L. c. 30A. §§18 through 25, has not been violated, the Attorney General shall terminate the investigation and notify, in writing, the subject of the investigation and any complainant
- (2) Violation Resolved Without Hearing. If the Attorney General determines after investigation that M.G.L. c. 30A, §§18 through 25, has been violated, the Attorney General may resolve the investigation without a hearing. The Attorney General shall determine whether the relevant public body, one or more of its members, or both, were responsible, and whether the violation was intentional or unintentional. The Attorney General will notify, in writing, any complainant of the investigation's resolution. Upon finding a violation of M.G.L. c. 30A, §§18 through 25, the Attorney General may take one of the following actions:
  - (a) <u>Informal action</u>. The Attorney General may resolve the investigation with a telephone call, letter or other appropriate form of communication that explains the violation and clarifies the subject's obligations under <u>M.G.L. c. 30A, §§18 through 25</u>, providing the subject with a reasonable period of time to comply with any outstanding obligations.
  - (b) Formal order. The Attorney General may resolve the investigation with a formal order. The order may require:
    - 1. Immediate and future compliance with M.G.L. c. 30A, §§18 through 25;
    - 2. Attendance at a training session authorized by the Attorney General;
    - 3. That minutes, records or other materials be made public; or
    - 4. Other appropriate action.

Orders shall be available on the Attorney General's website.

- (3) <u>Violation Resolved After Hearing</u>. The Attorney General may conduct a hearing where the Attorney General deems appropriate. The hearing shall be conducted pursuant to <u>801 CMR 1.00</u>, et seq., as modified by any regulations issued by the Attorney General. At the conclusion of the hearing, the Attorney General shall determine whether a violation of <u>M.G.L. c. 30A</u>, <u>\$\$18 through 25</u>, occurred, whether the public body, one or more of its members, or both, were responsible, and whether the violation was intentional or unintentional. The Attorney General will notify, in writing, any complainant of the investigation's resolution. Upon a finding that a violation occurred, the Attorney General may order:
  - (a) Immediate and future compliance with M.G.L. c. 30A, §§18 through 25;
  - (b) Attendance at a training session authorized by the Attorney General;
  - (c) Nullification of any action taken at the relevant meeting, in whole or in part;
  - (d) Imposition of a fine upon the public body of not more than \$1,000 for each intentional violation;

- (e) That an employee be reinstated without loss of compensation, seniority, tenure or other benefits;
- (f) That minutes, records or other materials be made public; or
- (g) Other appropriate action.

Orders issued following a hearing shall be available on the Attorney General's website.

(4) A public body or any member of a body aggrieved by any order issued by the Attorney General under 940 CMR 29.07 may obtain judicial review of the order through an action in Superior Court seeking relief in the nature of certiorari. Any such action must be commenced in Superior Court within 21 days of receipt of the order.

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#### 29,08: Advisory Opinions

The Attorney General may issue advisory opinions on request or at his or her own initiative to provide guidance to public bodies and the public on changes to M.G.L. c. 30A, §§18 through 25, court decisions interpreting M.G.L. c. 30A, §§18 through 25, or other developments concerning M.G.L. c. 30A, §§18 through 25.

- (1) The Attorney General shall ordinarily make a draft advisory opinion available for comment on the Attorney General's website at least 60 days prior to the planned issuance of the opinion. Notice of the posting shall be provided to the Commission.
- (2) Comments on the draft advisory opinion shall be submitted, in writing, to the Attorney General at least 30 days prior to the planned issuance of the opinion.
- (3) Action taken by a public body in good faith compliance with an advisory opinion, provided that the circumstances are not materially different, shall not constitute an intentional violation of the M.G.L. c. 30A, §818 through 25.

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#### 29.09: Other Enforcement Actions

Nothing in 940 CMR 29.06 or 29.07 shall limit the Attorney General's authority to file a civil action to enforce M.G.L. c. 30A\_ §\$18 through 25 pursuant to M.G.L. c. 30A, §23(f).

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#### THE COMMONWEALTH OF MASSACHUSETTS

#### **OPEN MEETING LAW, G.L. c. 30A, §§ 18-25**

Chapter 28 of the Acts of 2009, sections 17–20, repealed the existing state Open Meeting Law, G.L. c. 30A, §§ 11A, 11A-1/2, county Open Meeting Law, G.L. c. 34, §9F, 9G, and municipal Open Meeting Law, G.L. c. 39, §§ 23A, 23B, and 23C, and replaced them with a single Open Meeting Law covering all public bodies, G.L. c. 30A, §§ 18-25, enforced by the Attorney General.

OPEN MEETING LAW, G.L. c. 30A, §§ 18-25 (Effective July 1, 2010) (PDF)

Section 18: [DEFINITIONS]

Section 19: [DIVISION OF OPEN GOVERNMENT AND ADVISORY COMMISSION]

Section 20: [NOTICE, REMOTE PARTICIPATION, PUBLIC PARTICIPATION, CERTIFICATION]

Section 21: [EXECUTIVE SESSIONS]

Section 22: [MINUTES, RECORDS]

on 23: [COMPLAINTS, REMEDIES]

Section 24: [INVESTIGATIONS, HEARINGS]

Section 25: [REGULATIONS, LETTER RULINGS, ADVISORY OPINIONS]

### Section 18: [DEFINITIONS]

As used in this section and sections 19 to 25, inclusive, the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Deliberation", an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction; provided, however, that "deliberation" shall not include the distribution of a meeting agenda, scheduling information or distribution of other procedural meeting or the distribution of reports or documents that may be discussed at a meeting, provided that no opinion of a member is expressed.

"Emergency", a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.

"Executive session", any part of a meeting of a public body closed to the public for deliberation of certain ers.

"Intentional violation", an act or omission by a public body or a member thereof, in knowing by violating the open meeting law.

"Meeting", a deliberation by a public body with respect to any matter within the body's jurisdiction; provided, however, "meeting" shall not include:

- (a) an on-site inspection of a project or program, so long as the members do not deliberate;
- (b) attendance by a quorum of a public body at a public or private gathering, including a conference or training program or a media, social or other event, so long as the members do not deliberate;
- (c) attendance by a quorum of a public body at a meeting of another public body that has complied with the notice requirements of the open meeting law, so long as the visiting members communicate only by open participation in the meeting on those matters under discussion by the host body and do not deliberate;
- (d) a meeting of a quasi-judicial board or commission held for the sole purpose of making a decision required in an adjudicatory proceeding brought before it; or
- (e) a session of a town meeting convened under section 10 of chapter 39 which would include the attendance by a quorum of a public body at any such session.
- "Minutes", the written report of a meeting created by a public body required by subsection (a) of section 23 and section 5A of chapter 66.
- "Open meeting law", sections 18 to 25, inclusive.
- "Post notice", to display conspicuously the written announcement of a meeting either in hard copy or electronic format.
- "Preliminary screening", the initial stage of screening applicants conducted by a committee or subcommittee of a public body solely for the purpose of providing to the public body a list of those applicants qualified for further consideration or interview.
- "Public body", a multiple-member board, commission, committee or subcommittee within the executive or legislative branch or within any county, district, city, region or town, however created, elected, appointed or otherwise constituted, established to serve a public purpose; provided, however, that the governing board of a local housing, redevelopment or other similar authority shall be deemed a local public body; provided, further, that the governing board or body of any other authority established by the general court to serve a public purpose in the commonwealth or any part thereof shall be deemed a state public body; provided, further, that "public body" shall not include the general court or the committees or recess commissions thereof, bodies of the judicial branch or bodies appointed by a constitutional officer solely for the purpose of advising a constitutional officer and shall not include the board of bank incorporation or the policyholders protective board; and provided further, that a subcommittee shall include any multiple-member body created to advise or make recommendations to a public body.

"Quorum", a simple majority of the members of the public body, unless otherwise provided in a general or special law, executive order or other authorizing provision.

## Section 19. [DIVISION OF OPEN GOVERNMENT AND ADVISORY COMMISSION]

(a) There shall be in the department of the attorney general a division of open government under the direction of a director of open government. The attorney general shall designate an assistant attorney general as the director of the open government division. The director may appoint and remove, subject to the approval of the

atterney general, such expert, clerical and other assistants as the work of the division may require. The division shall perform the duties imposed upon the attorney general by the open meeting law, which may include participating, appearing and intervening in any administrative and judicial proceedings pertaining to the remember of the open meeting law. For the purpose of such participation, appearance, intervention and training authorized by this chapter the attorney general may expend such funds as may be appropriated therefor.

- (b) The attorney general shall create and distribute educational materials and provide training to public bodies in order to foster awareness and compliance with the open meeting law. Open meeting law training may include, but shall not be limited to, instruction in:
- (1) the general background of the legal requirements for the open meeting law;
- (2) applicability of sections 18 to 25, inclusive, to governmental bodies;
- (3) the role of the attorney general in enforcing the open meeting law; and
- (4) penalties and other consequences for failure to comply with this chapter.
- (c) There shall be an open meeting law advisory commission. The commission shall consist of 5 members, 2 of whom shall be the chairmen of the joint committee on state administration and regulatory oversight; 1 of whom shall be the president of the Massachusetts Municipal Association or his designee; 1 of whom shall be the president of the Massachusetts Newspaper Publishers Association or his designee; and 1 of whom shall be the attorney general or his designee.

The commission shall review issues relative to the open meeting law and shall submit to the attorney general meeting law as it deems necessary and appropriate.

- (d) The attorney general shall, not later than January 31, file annually with the commission a report providing information on the enforcement of the open meeting law during the preceding calendar year. The report shall include, but not be limited to:
- (1) the number of open meeting law complaints received by the attorney general;
- (2) the number of hearings convened as the result of open meeting law complaints by the attorney general;
- (3) a summary of the determinations of violations made by the attorney general;
- (4) a summary of the orders issued as the result of the determination of an open meeting law violation by the attorney general;
- (5) an accounting of the fines obtained by the attorney general as the result of open meeting law enforcement actions;
- (6) the number of actions filed in superior court seeking relief from an order of the attorney general; and
- (7) any additional information relevant to the administration and enforcement of the open meeting law that the attorney general deems appropriate.

## ction 20. [NOTICE, REMOTE PARTICIPATION, PUBLIC PARTICIPATION, CERTIFICATION]

(a) Except as provided in section 21, all meetings of a public body shall be open to the public.

- (b) Except in an emergency, in addition to any notice otherwise required by law, a public body shall post notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays. In an emergency, a public body shall post notice as soon as reasonably possible prior to such meeting. Notice shall be printed in a legible, easily understandable format and shall contain the date, time and place of such meeting and a listing of topics that the chair reasonably anticipates will be discussed at the meeting.
- (c) For meetings of a local public body, notice shall be filed with the municipal clerk and posted in a manner conspicuously visible to the public at all hours in or on the municipal building in which the clerk's office is located.

For meetings of a regional or district public body, notice shall be filed and posted in each city or town within the region or district in the manner prescribed for local public bodies. For meetings of a regional school district, the secretary of the regional school district committee shall be considered to be its clerk and shall file notice with the clerk of each city or town within such district and shall post the notice in the manner prescribed for local public bodies. For meetings of a county public body, notice shall be filed in the office of the county commissioners and a copy of the notice shall be publicly posted in a manner conspicuously visible to the public at all hours in such place or places as the county commissioners shall designate for the purpose.

For meetings of a state public body, notice shall be filed with the attorney general by posting on a website in accordance with procedures established for this purpose.

The attorney general shall have the authority to prescribe or approve alternative methods of notice where the attorney general determines such alternative will afford more effective notice to the public.

- (d) The attorney general may by regulation or letter ruling, authorize remote participation by members of a public body not present at the meeting location; provided, however, that the absent members and all persons present at the meeting location are clearly audible to each other; and provided, further, that a quorum of the body, including the chair, are present at the meeting location. Such authorized members may vote and shall not be deemed absent for the purposes of section 23D of chapter 39.
- (e) After notifying the chair of the public body, any person may make a video or audio recording of an open session of a meeting of a public body, or may transmit the meeting through any medium, subject to reasonable requirements of the chair as to the number, placement and operation of equipment used so as not to interfere with the conduct of the meeting. At the beginning of the meeting the chair shall inform other attendees of any such recordings.
- (f) No person shall address a meeting of a public body without permission of the chair, and all persons shall, at the request of the chair, be silent. No person shall disrupt the proceedings of a meeting of a public body. If, after clear warning from the chair, a person continues to disrupt the proceedings, the chair may order the person to withdraw from the meeting and if the person does not withdraw, the chair may authorize a constable or other officer to remove the person from the meeting.
- (g) Within 2 weeks of qualification for office, all persons serving on a public body shall certify, on a form prescribed by the attorney general, the receipt of a copy of the open meeting law, regulations promulgated pursuant to section 25 and a copy of the educational materials prepared by the attorney general explaining the open meeting law and its application pursuant to section 19. Unless otherwise directed or approved by the attorney general, the appointing authority, city or town clerk or the executive director or other appropriate administrator of a state or regional body, or their designees, shall obtain such certification from each person upon entering service and shall retain it subject to the applicable records retention schedule where the body

maintains its official records. The certification shall be evidence that the member of a public body has read and understands the requirements of the open meeting law and the consequences of violating it.

### Section 21. [EXECUTIVE SESSIONS]

- public body may meet in executive session only for the following purposes:
- (1) To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties. A public body shall hold an open session if the individual involved requests that the session be open. If an executive session is held, such individual shall have the following rights:
- i. to be present at such executive session during deliberations which involve that individual;
- ii. to have counsel or a representative of his own choosing present and attending for the purpose of advising the individual and not for the purpose of active participation in the executive session;
- iii. to speak on his own behalf; and
- iv. to cause an independent record to be created of said executive session by audio-recording or transcription, at the individual's expense.

The rights of an individual set forth in this paragraph are in addition to the rights that he may have from any other source, including, but not limited to, rights under any laws or collective bargaining agreements and the cise or non-exercise of the individual rights under this section shall not be construed as a waiver of any rights of the individual.

- 2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel;
- 3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;
- 4. To discuss the deployment of security personnel or devices, or strategies with respect thereto;
- 5. To investigate charges of criminal misconduct or to consider the filing of criminal complaints;
- 6. To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body;
- 7. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements;
- 8. To consider or interview applicants for employment or appointment by a preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening;
- 9:-- o meet or confer with a mediator, as defined in section 23C of chapter 233, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity, provided that:

- (i) any decision to participate in mediation shall be made in an open session and the parties, issues involved and purpose of the mediation shall be disclosed; and
- (ii) no action shall be taken by any public body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open session; or
- 10. To discuss trade secrets or confidential, competitively-sensitive or other proprietary information provided in the course of activities conducted by a governmental body as an energy supplier under a license granted by the department of public utilities pursuant to section 1F of chapter 164, in the course of activities conducted as a municipal aggregator under section 134 of said chapter 164 or in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to section 136 of said chapter 164, when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy.
- (b) A public body may meet in closed session for 1 or more of the purposes enumerated in subsection (a) provided that:
- 1. the body has first convened in an open session pursuant to section 21;
- 2. a majority of members of the body have voted to go into executive session and the vote of each member is recorded by roll call and entered into the minutes;
- 3. before the executive session, the chair shall state the purpose for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called;
- 4. the chair shall publicly announce whether the open session will reconvene at the conclusion of the executive session; and
- 5. accurate records of the executive session shall be maintained pursuant to section 23.

### Section 22. [MINUTES, RECORDS]

- (a) A public body shall create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes.
- (b) No vote taken at an open session shall be by secret ballot. Any vote taken at an executive session shall be recorded by roll call and entered into the minutes.
- (c) Minutes of all open sessions shall be created and approved in a timely manner. The minutes of an open session, if they exist and whether approved or in draft form, shall be made available upon request by any person within 10 days.
- (d) Documents and other exhibits, such as photographs, recordings or maps, used by the body at an open or executive session shall, along with the minutes, be part of the official record of the session.

- (e) The minutes of any open session, the notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the session, shall be public records in their entirety and not exempt from disclosure pursuant to any of the exemptions under clause Twenty-sixth of section 7 of chapter 4. Notwithstanding this paragraph, the following materials shall be exempt from disclosure to the public as professional information: (1) materials used in a performance evaluation of an individual bearing on his professional competence, provided they were not created by the members of the body for the purposes of the evaluation; and (2) materials used in deliberations about employment or appointment of individuals, including applications and supporting materials; provided, however, that any resume submitted by an applicant shall not be exempt.
- (f) The minutes of any executive session, the notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the session, may be withheld from disclosure to the public in their entirety under subclause (a) of clause Twenty-sixth of section 7 of chapter 4, as long as publication may defeat the lawful purposes of the executive session, but no longer; provided, however, that the executive session was held in compliance with section 21.

When the purpose for which a valid executive session was held has been served, the minutes, preparatory materials and documents and exhibits of the session shall be disclosed unless the attorney-client privilege or 1 or more of the exemptions under said clause Twenty-sixth of said section 7 of said chapter 4 apply to withhold these records, or any portion thereof, from disclosure.

For purposes of this subsection, if an executive session is held pursuant to clause (2) or (3) of subsections (a) of section 21, then the minutes, preparatory materials and documents and exhibits used at the session may be withheld from disclosure to the public in their entirety, unless and until such time as a litigating, negotiating or barqaining position is no longer jeopardized by such disclosure, at which time they shall be disclosed unless attorney-client privilege or 1 or more of the exemptions under said clause Twenty-sixth of said section 7 of said chapter 4 apply to withhold these records, or any portion thereof, from disclosure.

- (g)(1) The public body, or its chair or designee, shall, at reasonable intervals, review the minutes of executive sessions to determine if the provisions of this subsection warrant continued non-disclosure. Such determination shall be announced at the body's next meeting and such announcement shall be included in the minutes of that meeting.
- (2) Upon request by any person to inspect or copy the minutes of an executive session or any portion thereof, the body shall respond to the request within 10 days following receipt and shall release any such minutes not covered by an exemption under subsection (f); provided, however, that if the body has not performed a review pursuant to paragraph (1), the public body shall perform the review and release the non-exempt minutes, or any portion thereof, not later than the body's next meeting or 30 days, whichever first occurs. A public body shall not assess a fee for the time spent in its review.

### Section 23. [COMPLAINTS, REMEDIES]

- (a) Subject to appropriation, the attorney general shall interpret and enforce the open meeting law.
- (b) At least 30 days prior to the filing of a complaint with the attorney general, the complainant shall file a written complaint with the public body, setting forth the circumstances which constitute the alleged violation and giving the body an opportunity to remedy the alleged violation; provided, however, that such complaint be filed within 30 days of the date of the alleged violation. The public body shall, within 14 business days of receipt of a complaint, send a copy of the complaint to the attorney general and notify the attorney general of

any remedial action taken. Any remedial action taken by the public body in response to a complaint under this subsection shall not be admissible as evidence against the public body that a violation occurred in any later administrative or judicial proceeding relating to such alleged violation. The attorney general may authorize an extension of time to the public body for the purpose of taking remedial action upon the written request of the public body and a showing of good cause to grant the extension.

- (c) Upon the receipt of a complaint by any person, the attorney general shall determine, in a timely manner, whether there has been a violation of the open meeting law. The attorney general may, and before imposing any civil penalty on a public body shall, hold a hearing on any such complaint. Following a determination that a violation has occurred, the attorney general shall determine whether the public body. 1 or more of the members, or both, are responsible and whether the violation was intentional or unintentional. Upon the finding of a violation, the attorney general may issue an order to:
- (1) compel immediate and future compliance with the open meeting law;
- (2) compel attendance at a training session authorized by the attorney general;
- (3) nullify in whole or in part any action taken at the meeting;
- (4) impose a civil penalty upon the public body of not more than \$1,000 for each intentional violation;
- (5) reinstate an employee without loss of compensation, seniority, tenure or other benefits;
- (6) compel that minutes, records or other materials be made public; or
- 7) prescribe other appropriate action.
- (d) A public body or any member of a body aggrieved by any order issued pursuant to this section may, notwithstanding any general or special law to the contrary, obtain judicial review of the order only through an action in superior court seeking relief in the nature of certiorari; provided, however, that notwithstanding section 4 of chapter 249, any such action shall be commenced in superior court within 21 days of receipt of the order. Any order issued under this section shall be stayed pending judicial review; provided, however, that if the order nullifies an action of the public body, the body shall not implement such action pending judicial review.
- (e) If any public body or member thereof shall fail to comply with the requirements set forth in any order issued by the attorney general, or shall fail to pay any civil penalty imposed within 21 days of the date of issuance of such order or within 30 days following the decision of the superior court if judicial review of such order has been timely sought, the attorney general may file an action to compel compliance. Such action shall be filed in Suffolk superior court with respect to state public bodies and, with respect to all other public bodies, in the superior court in any county in which the public body acts or meets. If such body or member has not timely sought judicial review of the order, such order shall not be open to review in an action to compel compliance.
- (f) As an alternative to the procedure in subsection (b), the attorney general or 3 or more registered voters may initiate a civil action to enforce the open meeting law. Any action under this subsection shall be filed in Suffolk superior court with respect to state public bodies and, with respect to all other public bodies, in the superior court in any county in which the public body acts or meets.

In any action filed pursuant to this subsection, in addition to all other remedies available to the superior court, in law or in equity, the court shall have all of the remedies set forth in subsection (b).

In any action filed under this subsection, the order of notice on the complaint shall be returnable not later than 10 days after the filing and the complaint shall be heard and determined on the return day or on such day as the court shall fix, having regard to the speediest possible determination of the cause consistent with the rights of the parties; provided, however, that orders may be issued at any time on or after the filing of the complaint out notice when such order is necessary to fulfill the purposes of the open meeting law. In the hearing of any action under this subsection, the burden shall be on the respondent to show by a preponderance of the evidence that the action complained of in such complaint was in accordance with and authorized by the open meeting law; provided, however, that no civil penalty may be imposed on an individual absent proof that the action complained of violated the open meeting law.

- (g) It shall be a defense to the imposition of a penalty that the public body, after full disclosure, acted in good faith compliance with the advice of the public body's legal counsel.
- (h) Payment of civil penalties under this section paid to or received by the attorney general shall be paid into the general fund of the commonwealth.

### Section 24. [INVESTIGATIONS, HEARINGS]

- (a) Whenever the attorney general has reasonable cause to believe that a person, including any public body and any other state, regional, county, municipal or other governmental official or entity, has violated the open meeting law, the attorney general may conduct an investigation to ascertain whether in fact such person has violated the open meeting law. Upon notification of an investigation, any person, public body or any other state, regional, county, municipal or other governmental official or entity who is the subject of an investigation, shall make all information necessary to conduct such investigation available to the attorney general. In the event that the person, public body or any other state, regional, county, municipal or other governmental official or y being investigated does not voluntarily provide relevant information to the attorney general within 30 of receiving notice of the investigation, the attorney general may: (1) take testimony under oath concerning such alleged violation of the open meeting law; (2) examine or cause to be examined any documentary material of whatever nature relevant to such alleged violation of the open meeting law; and (3) require attendance during such examination of documentary material of any person having knowledge of the documentary material and take testimony under oath or acknowledgment in respect of any such documentary material. Such testimony and examination shall take place in the county where such person resides or has a place of business or, if the parties consent or such person is a nonresident or has no place of business within the commonwealth, in Suffolk county.
- (b) Notice of the time, place and cause of such taking of testimony, examination or attendance shall be given by the attorney general at least 10 days prior to the date of such taking of testimony or examination.
- (c) Service of any such notice may be made by: (1) delivering a duly-executed copy to the person to be served or to a partner or to any officer or agent authorized by appointment or by law to receive service of process on behalf of such person; (2) delivering a duly-executed copy to the principal place of business in the commonwealth of the person to be served; or (3) mailing by registered or certified mail a duly-executed copy addressed to the person to be served at the principal place of business in the commonwealth or, if said person has no place of business in the commonwealth, to his principal office or place of business.
- (d) Each such notice shall: (1) state the time and place for the taking of testimony or the examination and the

name and address of each person to be examined, if known and, if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs; (2) state the statute and section thereof, the alleged violation of which is under investigation and the general subject matter of the investigation; (3) describe the class or classes of documentary material to be produced thereunder with reasonable specificity, so as fairly to indicate the material demanded; (4) prescribe a return date within which the documentary material is to be produced; and (5) identify the members of the attorney general's staff to whom such documentary material is to be made available for inspection and copying.

- (e) No such notice shall contain any requirement which would be unreasonable or improper if contained in a subpoena duces tecum issued by a court of the commonwealth or require the disclosure of any documentary material which would be privileged, or which for any other reason would not be required by a subpoena duces tecum issued by a court of the commonwealth.
- (f) Any documentary material or other information produced by any person pursuant to this section shall not, unless otherwise ordered by a court of the commonwealth for good cause shown, be disclosed to any person other than the authorized agent or representative of the attorney general, unless with the consent of the person producing the same; provided, however, that such material or information may be disclosed by the attorney general in court pleadings or other papers filed in court.
- (g) At any time prior to the date specified in the notice, or within 21 days after the notice has been served, whichever period is shorter, the court may, upon motion for good cause shown, extend such reporting date or modify or set aside such demand or grant a protective order in accordance with the standards set forth in Rule 26(c) of the Massachusetts Rules of Civil Procedure. The motion may be filed in the superior court of the county in which the person served resides or has his usual place of business or in Suffolk County. This section shall not be applicable to any criminal proceeding nor shall information obtained under the authority of this section be admissible in evidence in any criminal prosecution for substantially identical transactions.

### Section 25. [REGULATIONS, LETTER RULINGS, ADVISORY OPINIONS]

- (a) The attorney general shall have the authority to promulgate rules and regulations to carry out enforcement of the open meeting law.
- (b) The attorney general shall have the authority to interpret the open meeting law and to issue written letter rulings or advisory opinions according to rules established under this section.

### FAQ'S ON THE OPEN MEETING LAW FROM THE ATTY. GENERAL

### **Meeting Notices**

### May a public body consider a topic at a meeting that was not listed in the meeting notice?

Yes, if it is a topic that the chair did not reasonably anticipate 48 hours before the meeting. If a meeting topic is proposed after the meeting notice is posted, the public body is encouraged to update its posting to provide the public with as much notice as possible of what subjects will be discussed during a meeting.

### How specific must the listing of topics be in the meeting notice?

The listing of topics must contain enough specificity to give the public an understanding of each topic that will be discussed. It is not sufficient to list broad topic categories, such as "Old Business." For example, when the Chair of a Board of Selectmen reasonably anticipates a discussion about on-going traffic improvement projects in town at the next Board meeting, it would be appropriate for the Chair to list that topic in the notice as: "Discussion of Traffic Improvement Projects at the intersection of Main and Pleasant Streets; and at the intersection of Elm and Oak Streets." In some instances, there may be overlap in the posting requirements of the Open Meeting Law and other statutes. In most cases, the information required by the controlling statute will satisfy the Open Meeting Law meeting notice requirements, however for specific questions please contact the Division of Open Government.

# May our public body list a section for "New Business" to cover topics which come up for the first time at the meeting in the meeting notice?

Yes, this category may be used for topics that the Chair did not reasonably anticipate for discussion when filing the meeting notice to be posted. Some public bodies use this to category for their public comment or open forum periods. The best practice would be to explicitly state in the notice that the time is being reserved for topics that the chair did not reasonably anticipate would be discussed.

#### What is the posting method for state public bodies?

State public bodies have different notice posting requirements than local public bodies. A state public body must post its meeting notice on its website or, if none exists, then the website of its parent agency. It must also submit a copy of the meeting notice to the Secretary of State's Regulations Division. It is not necessary to send meeting notices to the Attorney General, however, the public body must notify the Attorney General of the website location where its meeting notices will be posted.

# Is it a violation of the Open Meeting Law for the Chair of a public body to neglect to inform other members of a meeting?

No, provided that the meeting is posted in accordance with the requirements of the Open Meeting Law. The Open Meeting Law requires that public bodies post meetings at least 48 hours in advance of the meeting excluding Saturdays, Sundays and legal holidays, but the law does not include a requirement that the Chair notify other members of meetings. The best practice is for the Chair to notify all members of the public body of the meeting sufficiently in advance to allow members to make plans to attend but in no case later than 48 hours in advance of the meeting.

### May a public body hold a meeting on a Sunday?

While the Open Meeting Law is silent with regard to holding public meetings on Sundays, the best practice is not to hold public meetings on Sundays or holidays when access to public buildings may be limited and when the public does not normally anticipate the scheduling of a public meeting.

If a public body holds a properly noticed meeting, and decides to continue the meeting until a future date, is the public body required to post another meeting notice?

Yes, the public body must treat the meeting as though it is a new meeting for purposes of notice posting. The public body must post the meeting 48 hours in advance and post a new meeting notice.

Will posting meeting notices on the municipal website fulfill the meeting notice requirements of the Open Meeting Law?

Yes, provided that the meeting notice satisfies all the other requirements of the Open Meeting Law: 1) it is posted at least 48 hours in advance of the public meeting, excluding Saturdays, Sundays and legal holidays; 2) it is displayed in a legible, easily understandable format; 3) it contains the date, time and place of the meeting; 4) it lists the topics that the Chair reasonably anticipates will be discussed at the meeting with sufficient specificity to advise the public of the issues the public body will discuss; and 5) the date and time that the notice was posted is conspicuously recorded on the notice. Public bodies are encouraged to coordinate with the municipal clerk, or the person designated by agreement with the municipal clerk, to ensure that meeting notices are filed sufficiently in advance of the meeting to allow the municipal clerk or the designee to post the meeting 48 hours in advance.

For example, if a Board of Selectmen plans to meet on a Monday night at 6:00 p.m. but the municipal clerk's office closes at 1:00 on Thursday, the Chair of the Board should plan to submit the notice for filing and posting in advance of 1:00 to allow the municipal clerk ample time to post the meeting notice. It is the public body's responsibility to ensure that the meeting notice is received for posting by the municipal clerk or the clerk's designee.

If a meeting notice for a regional public body is filed in all the towns in the region, with the exception of one, is the meeting notice posted adequately?

No, the meeting notice must be filed with the municipal clerk in each city and town within the district. As an alternative method of notice, a regional public body may post a meeting notice on the regional public body's website.

### Remote Participation

As a member of a public body, may I participate remotely in a meeting of my public body?

Although the law authorizes the Attorney General to promulgate regulations or issue a letter ruling to allow remote participation, at this time remote participation is *not* permitted. The Attorney General recently posted a request for public comment: Request for Comments on Remote Participation in Public Meetings.

### **Meeting Minutes**

Must documents used by a public body at a meeting be retained with the minutes?

No, documents used by a public body at a meeting may be retained separately from the minutes. However, once used by the public body at a meeting, the documents become part of the official record and therefore must be maintained in accordance with the public record retention schedule issued by the Secretary of State. The minutes must still list all the documents used by the public body.

Must the minutes of meetings list all members of the public body?

The Open Meeting Law requires that the minutes of a meeting list the names of the members present or absent. However, the best practice is to list the names of all members present and absent in the minutes of the meeting.

#### **Educational Materials and Certification**

Must all members of a public body sign the <u>Attorney General's Open Meeting Law Certification</u> <u>Form</u>, or only newly appointed and elected members of a public body?

All members of any public body must receive the educational materials prepared by the Attorney General upon taking the oath of office, if required or, if no oath is required, then before entering into the performance of the office. The municipal clerk is responsible for providing the educational materials to the members of local public bodies. The appointing authority, executive director or other appropriate administrator is responsible for providing the educational materials to members of regional, county or state public bodies. Within two weeks after receipt of the educational materials, the member shall certify the receipt of the materials on the form provided by the Attorney General and available on the AGO's website. Members of public bodies who do not have defined terms of office are considered qualified for their office every two years, beginning on January 1, 2011.

### What materials must be distributed to newly appointed members of public bodies?

Members of public bodies must receive the Open Meeting Law, G.L. c. 30A, §§18-25; the Open Meeting regulations, 940 CMR 29.00; and the Guide to the Open Meeting Law published by the Attorney General. All <u>materials</u> are available on the Attorney General's website.

#### **Complaint Process**

### What is the process for filing an Open Meeting Law complaint?

Individuals who allege a violation of the Open Meeting Law must first file a complaint with the public body alleged to have violated the OML. The complaint must be filed within 30 days of the date of the violation, or the date the complainant could reasonably have known of the violation. The complaint must be filed on a Complaint Form available on the AGO website.

Upon receipt, the Chair of the public body should distribute copies of the complaint to the members of the public body. The public body has 14 business days from the date of receipt to review the complainant's allegations; take remedial action if appropriate; notify the complainant of the remedial action; and forward a copy of the complaint and description of the remedial action taken to the Attorney General's Office. The public body may request additional information from the complainant. The public body may also request an extension of time to respond to the complaint. A request for an extension should be made within 14 business days of receipt of the complaint by the public body. The request for an extension should be made in writing to the Division of Open Government and state the reason for the extension.

A complaint is ripe for review by the Attorney General's Office 30 days after the complaint is filed with the public body. This 30-day period is intended to provide a reasonable opportunity for the complainant and the public body to resolve the initial complaint. It is important to note that complaints are not automatically filed with the Attorney General's Office upon filing with the public body. A complainant seeking further review of the complaint by the Division of Open Government must file the complaint with the Attorney General. When filing the complaint with the Attorney General, the complainant must include a copy of the original complaint and may include any other materials the complainant feels are relevant, including an explanation of why the complainant is not satisfied with the remedial action taken by the public body.

The Attorney General's Office will review the complaint and the remedial action taken by the public body. The Attorney General's Office may request additional information from both the complainant and the public body. The Attorney General's Office will seek to resolve complaints in a reasonable period of time, generally within 90 days of the complaint becoming ripe for review by our office.



The 2009 Annual Town Report

Cultural Council

The Tyngsborough Cultural Council (TCC) re-grants state funds for community-based arts, humanities and interpretative sciences projects and activities to benefit the residents of Tyngsborough.

The council screens and qualifies applicants for funds allocated to Tyngsborough by the Massachusetts Cultural Council (MCC). The MCC is funded by allocations from the state legislature.

In 2009, TCC was awarded \$4300 by the MCC and received 12 applications for a total of \$8875. Seven Grants were awarded for a total of \$5000. Tyngsborough Cultural Council used unencumbered funds from 2008 to the total funds granted in 2009.

The TCC received 12 applications and approved the following seven grants:

Greg Curtis "Songs to Inspire"	\$400
Scott Jameson "Family Night Juggling/Storytelling	\$500
Lowell Philharmonic "Youth Concerto"	\$250
Tyngsborough Bicentennial "Reenactment"	\$500
Tyngsborough Bicentennial "Live Music"	\$500
Tyngsborough Council on Aging "Art Classes	\$800
Tyngsborough Public Library: Toddler Classes	\$2200
TAIRGODOLOGGILL GOILG FIDIGITY : 14	

The Tyngsborough Cultural Council has continued to maintain its streamed fined status with the Mass Cultural Council by meeting all deadlines and requirements. This, in turn, enables the fown to receive MCC funds earlier

Respectfully Submitted

Jeffery Lipsky, Chair Mary Brush, Darcy Gagnon Karlin Ameral, Audrey Sawan Karen O'Donnell, Kathy Coughlin

> The 2009 Annual Town Report www.tyngsboroughma.gov.

### Cultural Council - 3 years

Outdance Oddieder O Jour	
Richard Tessier	- 2013
Darcy I. Gagnon	- 2010
Jeffrey Lipsky	- 2010
Karen L. O'Donnell 🐭 🕒	- 2010
Audrey M. Sawan	- 2010
Mary Beth Cole	- 2011
Karin R Ameral	- 2012
Mary A. Brush	- 2012
Follows State Law,	

Appointed July 26, 2010
Juli Rosers Appt 10/18/10



Therese Gay <tgay@tyngsboroughma.gov>

### Freecash Approval Notification for Tyngsborough

recapdata@dor.state.ma.us <recapdata@dor.state.ma.us>

Fri, Oct 29, 2010 at 7:09 AM

To: ktimes@hotmail.com, jcronin@tyngsboroughma.gov, kcolburn@tyngsboroughma.gov, tgay@tyngsboroughma.gov

Massachusetts Department of Revenue Division of Local Services

Navjeet K Bal, Commissioner

Robert G. Nunes, Deputy Commissioner & Director of Municipal Affairs

Friday, October 29, 2010

Jacquelyn Cronin Accountant Town of Tyngsborough

Re: NOTIFICATION OF FREE CASH APPROVAL - Tyngsborough

Based upon the unaudited balance sheet submitted, I hereby certify that the amount of available funds or "free cash" as of July 1, 2010 for the Town of Tyngsborough is:

General Fund

\$ 974,424

Sewer

Enterprise Fund

\$ 790,918

This certification is in accordance with the provisions of G. L. Chapter 59, §23, as amended.

Certification letters will be e-mailed to the mayor/manager, board of selectmen, prudential committee, finance director and treasurer immediately upon approval, provided an e-mail address is reported in DLS' Local Officials Directory. Please forward to other officials that you deem appropriate.

Sincerely,
Gerard D. Perry
Director of Accounts

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager at postmaster at dor.state.ma.us.

# Fiscal Year 2011 Tax Classification Hearing NOVEMBER 8, 2010

To:

Board of Selectmen

From: Board of Assessors

Date:

November 8, 2010

Subject: Fiscal Year 2011 Tax Classification

The Tax Classification Hearing is required by law, prior to the Assessors setting the tax rate. The purpose of this meeting is to inform the public of the options available and ultimately, for the Selectmen to determine whether or not to shift tax rates among the various classes of property. Those classes in Tyngsborough are residential, commercial, industrial and personal property. Tyngsborough has always maintained a residential factor of '1', and therefore, the tax rate has been the same for each type of property, whether residential, commercial, industrial or personal property.

The vast majority of municipalities that shift their rates are cities and very large towns, which have a large value percentage of non-residential properties, which Tyngsborough does not. Over the last fifteen years, the residential percentage has been between 83% and 89% and currently stands at 86%.

# HISTORICAL NEW GROWTH

Fiscal Year	Revenue
1988	\$268,042
1989	\$563,500
1990	\$187,212
1991	\$252,652
1992	\$266,398
1993	\$185,327
1994	\$176,894
1995	\$326,107
1996	\$476,011
1997	\$411,614
1998	\$435,197
1999	\$490,875
2000	\$664,423
2001	\$571,148
2002	\$493983
2003	\$269,640
2004	\$207,327
2005	\$214,489
2006	\$234,052
2007	\$473,407
2008	\$421,085
2009	\$340,926
2010	\$279,084
2011	\$363,175

# Average Single Family Assessment

Fiscal Year	Total Single Family	Total Single Family	Average Single Family	Tax Rate
	Homes	Valuation	Assessment	
1992	2068	305,806,600	147,900	15.78
1993	2092	279,535,300	133,600	17.85
1994	2127	284,475,200	133,700	18.61
1995	2225	297,881,300	133,900	20.06
1996	2350	320,434,600	136,400	20.06
1997	2445	339,847,100	139,000	19.64
1998	2531	382,160,500	151,000	19.46
1999	2626	402,012,400	153,100	19.75
2000	2721	430,031,500	158,000	19.80
2001	2809	566,886,400	201,800	16.70
2002	2868	589,001,700	205,400	17.20
2003	2896	659,897,700	227,800	16.51
2004	2904	894,382,300	308,000	12.70
2005	2926	993,487,200	339,500	11.85
2006	2944	1,084,836,100	367,500	11.60
2007	2996	1,143,857,900	381,800	11.20
2008	3054	1,129,792,200	369,939	11.71
2009	3,075	1,082,827,100	352,139	12.55
2010	3,091	1,002,730,800	324,403	13.95
2011	3,099	985,648,900	318,054	PROPOSED 14.17

### **LEVY PERCENT BY CLASS**

FISCAL YEAR	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	PERSONAL PROPERTY
F/Y 1989	75.9004	12.7398	9.9674	1.3924
F/Y 1990	78.5836	12.5255	7.4690	1.4219
F/Y 1991	78.6392	11.6303	7.8475	1.8828
F/Y 1992	78.1435	11.6223	7.9389	2.2953
F/Y 1993	78.8187	11.0947	7.4252	2.6614
F/Y 1994	79.7479	10.8796	6.6115	2.7610
F/Y 1995	83.3987	8.9233	4.7655	2.9125
F/Y 1996	84.2707	8.5305	4.3729	2.8259
F/Y 1997 <sup>*</sup>	84.8529	8.4225	4.1588	2.5658
F/Y 1998	84.1864	9.2950	4.1721	2.3465
F/Y 1999	84.0501	8.9045	4.4423	2.6031
F/Y 2000	83.6867	8.9054	4.7825	2.6254
F/Y 2001	85.1885	7.9559	4.6164	2.2392
F/Y 2002	84.7599	8.1234	4.8166	2.3001
F/Y 2003	84.9623	8.1573	4.8878	1.9926
F/Y 2004	87.0765	6.9816	4.3188	1.6231
F/Y 2005	88.0816	6.4720	3.9305	1.5159
F/Y 2006	88.5897	6.1403	3.7092	1.5608
F/Y 2007	87.4654	6.8432	3.9411	1.7503
F/Y 2008	87.3394	6.9179	3.9760	1.7667
F/Y 2009	86.3360	7.3300	4.1895	2.1445
F/Y 2010	85.5586	7.3793	4.0341	3.0280
F/Y 2011	85.6941	7.4331	3.9849	2.8879

<u>Class</u>	<b>Percentage</b>
Residential	85.6941%

Com/Ind/Personal 14.3059%

### **Estimated Single Tax Rate** \$14.17

Shift	Res Rate	CIP Rate
1%	\$14.15	\$14.31
2%	\$14.12	\$14.45
3%	\$14.10	\$14.60
5%	\$14.05	\$14.88
10%	\$13.93	\$15.59
25%	\$13.58	\$17.71
50%	\$12.99	\$21.26
		MAX

For every 1% you reduce the residential factor it increases the CIP factors by approximately 6%-7%.

### MINIMUM SHIFT

With a 1% shift in the tax rate, a typical residential taxpayer (\$320,000) would save about \$6.00 per year and a typical commercial taxpayer (\$450,000) would have an increase of approximately \$63.00.

### **MAXIMUM SHIFT**

With a 50% shift in the tax rate, a typical residential taxpayer (\$320,000) would save about \$377 per year and a typical commercial taxpayer (\$450,000) would have an increase of approximately \$3,190.

# AVERAGE SINGLE FAMILY RESIDENTIAL TAX COMPARISON FISCAL YEAR 2010 VERSUS 2011

FY 2010; Assessment (\$324,000) X Tax Rate (13.95) = \$4,520 FY 2011; Assessment (\$318,000) X **Proposed** Tax Rate (14.17) = \$4,506

Hence, the estimated decrease for a typical residential taxpayer this year would be \$14.00.

F.Y. YEAR	TOTAL VALUE	RESIDENTIAL	COMM.	IND.	<b>P.P.</b>
2010 1 2009 1	,387,380,323 ,488,122,237	1,182,154,705 10 1,187,023,145 10 1,284,785,445 10 1,337,928,990 10	)2,379,560 )9,078,857	55,968,305 62,344,385	42,009,313 31,913,550

urth "uman Roosio oom a drenoor oasaranso.....

Trong borough

Therese Gay <tgay@tyngsboroughma.gov>

### MassDOT information re: "Boston Express"

Michael P. Gilleberto <mgilleberto@tyngsboroughma.gov>

Wed, Oct 27, 2010 at 4:20 PM

To: Ashley O'Neill <ashley.oneill08@gmail.com>, Ashley O'Neill <aoneill@tyngsboroughma.gov>, Elizabeth Coughlin <aoneill@tyngsboroughma.gov>, elizabeth Coughlin <ecoughlin@tyngsboroughma.gov>, elizabeth\_coughlin <elizabeth\_coughlin@post.harvard.edu>, Rick Reault <rreault@tyngsboroughma.gov>, rick@nebees.com, Rich Lemoine <lemoine@tyngsboroughma.gov>, Rich Lemoine <lemoine4@verizon.net>, Robert Jackson <rjackson@tyngsboroughma.gov> Cc: Therese Gay <tgay@tyngsboroughma.gov>

BoS-

After two inquiries to MassDOT regarding Boston Express, I received a return phone call from Paul Nelson of MassDOT yesterday afternoon. He is coordinating the establishment of the Boston Express stop at the Park and Ride on Kendall Road.

I expressed that the Town was unhappy to learn about the new program via a newspaper article. Mr. Nelson did apologize for not thinking to contact the Town in advance.

Boston Express is a commuter service to South Station that is operated by C&J bus lines. It is currently located at two stops in Nashua, and one of those stops will close and re-locate to Kendall Road. The commuter service is subsidized by the state of New Hampshire. It will also service Logan Airport. There will be 11 round trips per day.

MassDOT has entered into a license with Boston Exress, as a partnership with the NH equivalent of MassDOT. There is no cost to Boston Express to use the site. The trailer is temporary and Boston Express will likely pursue construction of a more permanent ticket booth towards the back of the property (by the bus shelters).

Mr. Nelson did point out that MassDOT, as a state agency, is exempt from local regulation when it comes to the use of state property. I independently verified this with Charles. That said, the Building Commissioner is reviewing the project.

After speaking with Charles, I think it would behoove the town to ask to meet with the district director to improve communication between MassDOT and the Town. There have been a multitude of issues where communication has been the concern, and in some cases it has only been through the involvement of the Town that problems have been resolved.

Michael

Michael P. Gilleberto Town Administrator Town of Tyngsborough

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Therese Gay <tgay@tyngsboroughma.gov>



### Fwd: MMA Show Scheduled for November 6, 2010

Michael P. Gilleberto <mgilleberto@tyngsboroughma.gov>

To: Therese Gay <tgay@tyngsboroughma.gov>

Thu, Oct 14, 2010 at 3:51 PM

Terry: for the BoS correspondence.

-- Forwarded message -----

From: Drimer, Ronnie (DPS) < Ronnie Drimer@state.ma.us>

Date: Thu, Oct 14, 2010 at 1:49 PM

Subject: MMA Show Scheduled for November 6, 2010

To: "mailleberto@tyngsboroughma.gov" <mailleberto@tyngsboroughma.gov>

To Whom It May Concern,

We are writing to inform you that the Massachusetts State Athletic Commission has this day issued a license to Donald Mustapha for an event at the Tyngsboro Sports Center, 18 Progress Ave, Tyngsboro, MA for November 6, 2010. In accordance with M.G.L. Chapter 147, section 47A, the town of Tyngsboro may, by majority vote of the Town Selectmen with approval of the Town Manager, prohibit the event and order revocation of the license.

Please notify us as soon as possible.

Thank you,

Ronnie Drimer

Program Coordinator

Massachusetts State Athletic Commission

Rec'd 10/14/10

Selectmen's

Correspondence

Oct 18, 2010

Michael P. Gilleberto Town Administrator Town of Tyngsborough

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- Master Plan
- Chamber of Commerce
- Business Resources

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You are here: <u>Home</u> » <u>News Updates</u> » **Tyngsborough awarded \$161,649 grant for being Green** 

Community

# Tyngsborough awarded \$161,649 grant for being Green Community

The Town Tyngsborough was recognized at an award ceremony in Lowell City Hall on October 25 for their commitment to Green Initiatives.

Secretary Ian Bowles from the Massachusetts Department of Energy Resources presented Selectmen Elizabeth Coughlin and Ashley O'Neill with Green Communities certificates and congratulated with grant that will finance the following projects:

The grant of \$161,649 will go towards building envelope upgrades at Town Hall (25 Bryants Lane and the Tyngsborough Middle School and Administration Offices (50 Norris Road). It will reduce gas energy by 11,000 therms per year. Additionally these sites will also act as a learning center for energy efficiency.

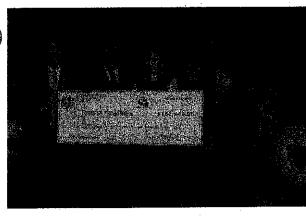
"We are extremely pleased to be able to make some progress and have a milestone and have total involvement from the community," Selectmen Elizabeth Coughlin said "[the] program is [recognized] not just nationally but internationally."

Tyngsborough was among the first <u>35 cities and towns</u> across the Commonwealth that met the criteria to be designated as Green Communities by the Department of Energy Resources' (DOER) Green Communities Division last spring. These communities applied in June for grants to fund local clean energy projects and were notified of their grants this summer.

The Town's Energy and Environmental Affairs Committee spearheaded a green communities' effort. A key element was to establish a new energy-efficiency building stretch code which was passed during the March 2, 2010 Special Town Meeting.

"We had a real Daniel Webster, three-and-a-half hour town meeting, we really got total involvement from the community — initially had people who were dead set against passing this code and afterwards

they understood everything" Coughlin said.





Picture 1 From Left to Right: DOER Secretary Ian Bowles, State Sen. Steven Panagiotakos, Selectmen Ashley O'Neill, State Rep Colleen Garry, Selectmen Elizabeth Coughlin

Picture 2: Selectmen Elizabeth Coughlin addresses delegation upon receiving grant

[Tyngsboroughma.gov Staff Photos/Rony Camille]

Learn more about the Department of Energy Resources Green Communities Grant program.

### Contact Info:

Selectmen Elizabeth Coughlin, Energy and Environmental Affairs Committee Chair 978-649-2300 x140 ecoughlin@tyngsboroughma.gov

Massachusetts Department of Energy Resources and the Tyngsborough, MA Office of Media Programming.

###

### News Links

• Tyngsborough News Update

### Recent Posts

- Senior Flu Clinic Scheduled Nov. 10
- Tyngsborough awarded \$161,649 grant for being Green Community
- New Hours for Purchasing Bulky Stickers
- Tyngsborough Designated as Official "Green Community" in the Commonwealth
- The 2009 Annual Report
- Watch Meetings Online!
- 2010 Town Election Results

You are here: Home » News Updates » Senior Flu Clinic Scheduled Nov. 10

### Senior Flu Clinic Scheduled Nov. 10

The Board of Health will hold a seasonal flue and pneumonia immunization clinic on the Wednesday November 10.

### SEASONAL FLU and PNEUMONIA IMMUNIZATION CLINIC

Wednesday November 10, 2010 - Senior Center

180 Lakeview Ave

9:00 A.M.-11:00 A.M.

### A SECOND CLINIC WILL BE ADDED AT A FUTURE DATE

There will be a \$10.00 fee for all non-residents under 65 years of age and all residents who do not have a serious long term illness.

Flu and Pneumonia Shots will be administered at no charge to all residents 65 years and older and all residents 18 years of age and older with serious long term health problems or whose immune system is weakened by various diseases; and all women who will be pregnant during the flu season. Please check with your physician to see if you are eligible to receive a pneumonia shot, if so please call us to reserve one.

Homebound residents may call the Board of Health office to schedule an at home shot at 978-649-2300 Ext. 117. If you reach voice mail, please leave your name; address and telephone number and we will call you to schedule the appointment.

THE BOARD OF HEALTH WILL ALSO COLLECT SYRINGES AND NEEDLES. SEALED CONTAINERS MAY BE DROPPED OFF DURING THE FLU CLINICS OR AT THE BOARD

OF HEALTH OFFICE DURING THEIR REGULAR OFFICE HOURS

# Tyngsborough Scholarship Trust Fundraisers

We are again offering popular retailers gift cards for a wide variety of products and services.

You get the full value of the gift card and TST gets the % of that amount that's indicated on the order form.

Please see Gene with questions or if there are no order forms left.

## TST FALL WINE TASTING 11/5

Details below - see Gene for tickets or info

Tyngsborough Scholarship Trust

16

# Fall Wine Tasting



The Library at Stonehedge Inn Friday, November 5, 2010 7:00 pm - 9:30 pm Ticket price \$50 per person Sponsored by

The Stonehedge Inn and G&G Liquors
Please be prepared to show ID



## Town of Tyngsborough

Recreation Department

25 Bryants Lane - Tyngsborough, Massachusetts 01879-1003 Phone: (978) 649-2300, Ext. 150 - Fax: (978) 649-2301

amenamara@tyngsboroughma.gov Alison McNamara - Director

October 25, 2010

Board of Selectmen 25 Bryants Lane Tyngsborough, MA 01879

Re: Intra-Municipal field use agreement

Selectmen.

The Field Use Committee has reviewed and updated the Intra-Municipal field use agreement accepted in 2006. Attached please find a copy with highlighted changes. The Use Committee is seeking your review and approval of the revised document.

If your Board requires any clarification or other correspondence, please feel free to contact anyone of us.

Sincerely,

Alison McNamara -Town of Tyngsborough Recreation Director George Trearchis - Tyngsborough School Building Supervisor Eric Estochen - Member at large

### **Revision 10-15-10**

### INTRA-MUNICIPAL AGREEMENT

This Intra-Municipal Agreement (the "Agreement") is entered into on this \_\_\_\_\_ day of \_\_\_\_\_\_, 2010, between the TYNGSBOROUGH PUBLIC SCHOOL DISTRICT by its School Committee, having its principal office at 50 Norris Road, Tyngsborough, MA 01879 (the "Schools") and the TOWN OF TYNGSBOROUGH, a Massachusetts municipal corporation, having its principal office at Town Hall, 25 Bryants Lane, Tyngsborough, MA 01879 (the "Town").

WHEREAS, under the Community Preservation Act, (the "CPA"), funds may be used for the acquisition, creation and preservation of open space; and "open space" is defined to include, land for recreational use; and "recreational use" is defined to include non-commercial youth and adult sports, and the use of land as a park, playground or athletic field;

WHEREAS, the Schools and the Town desire to promote active and diverse programs of intra-scholastic, inter-scholastic, Tyngsborough Recreation and Parks Committee sponsored and community sporting and recreational events to improve the health and well-being of the Schools' students and the Town's youth, adults, and families;

WHEREAS, the Schools and the Town propose to equitably allocate the use of the Pierce Field and the Bicentennial Field Complex between the Town and the Schools so that the Pierce Field and the Bicentennial Field Complex projects are eligible for CPA funding;

WHEREAS, the Town currently enjoys few opportunities to use the Pierce Field and the Bicentennial Field Complex except for Schools sponsored activities; and

WHEREAS, the Town will be allocated significant and equitable amounts of time for direct recreational use of the Pierce Field and the Bicentennial Field Complex thereby making more available other Town fields throughout the Town for recreational use.

NOW THEREFORE, for mutual consideration, the parties agree as follows:

### Section 1.0 Term of the Agreement

1.0 The Term of the Agreement is twenty-five (25) years from November 2006.

### Section 2.0 The Subject Fields

- 2.0 The land subject to the Town's right to use under this Agreement is known as the Pierce Field and the Bicentennial Field Complex, as more generally described as follows:
- 2.1. Pierce Field: Lighted multi-purpose rectangular field situated northwesterly of Tyngsborough High School gymnasium at the Norris Road complex.. See Provided plan of entire area as an Exhibit.

2.2 Bicentennial Field Complex: Field area located directly west of the westerly most portion of the Tyngsborough Elementary School building gymnasium at the Westford Road complex.. See Provided plan of entire area as an Exhibit.

### Section 3.0 Procedures

- 3.0 The procedures to authorize the use of the Pierce Field and the Bicentennial Field Complex by the Town is set forth below.
- 3.1 The reservation process, under Section 4.0, shall be used to allocate time for use. In the event of conflict between Schools and the Town, the parties and the Committee established under Section 3.3 shall be guided by the principle that the Pierce Field and the Bicentennial Field Complex are shared recreational resources; and the parties and said Committee shall provide a fair and equitable allocation schedule between the Schools and the Town for each Field.
- 3.2 The Town and Town approved community groups, as determined by the Field Use Committee shall use said Fields free of charge except for specific ministerial and specific maintenance charges as provided in Section 4, below.

- A three-member committee, to be known as the Field Use Committee (the "Use Committee"), shall be appointed annually, in June, as follows: one member appointed by the Board of Selectmen, one member appointed by the School Committee, and one citizen at large, whose appointment will alternate annually between the Board of Selectmen (even calendar years) and the School Committee (odd calendar years). The Use Committee shall administer this Agreement.
- 3.4 This Agreement shall be reviewed annually and may be amended, in writing, from time to time by mutual agreement of the School Committee and the Board of Selectmen.

### Section 4.0 Field Reservation Priorities, Procedures

- 4.0 The Schools, the Town, and the Use Committee shall encourage community recreational use of the Pierce Field and the Bicentennial Field Complex but shall protect the safety, well being, and interests of the Town's children and shall protect the fields through the establishment of priorities and reservation procedures.
- 4.1 Field Reservations Priorities: Reservations for the Pierce Field and the Bicentennial Field Complex will be made on the following priority classifications:

- 4.1.1 Class 1 School activities, including athletics and school-sponsored activities.
- 4.1.2 Class 2 Town's Recreation and Parks Committee-sponsored and permitted activities and youth and adult sports leagues.
- 4.2.Field Reservation Procedures: Three times a year (January, May, and August) there will be a scheduling meeting, called by the Use Committee, with representatives of Class 1 and Class 2 users. The Use Committee will notify designated Class 1 and Class 2 representatives in writing as to the time and place of this meeting a minimum of fourteen days prior to this meeting; The Use Committee shall distribute field request forms to the Class 1 and Class 2 representatives. At said meeting, submitted forms be reviewed, all scheduling concerns for the upcoming season shall be addressed, and the schedule of field use shall be established in accordance with the following time period allocation priorities:

### 4.2.1. Pierce Field:

4.2.1.1 Class 1 - Monday through Saturday in the fall and spring sports seasons.

Note: In all cases, season begin and end dates are as defined by the Massachusetts Interscholastic Athletic Association (MIAA)

4.2.1.2 Class 2 - Saturday and Sunday in the fall and spring sports seasons, Monday through Sunday in the (beginning at the end of the school calendar year to the beginning of the school calendar year) summer.

### 4.2.2 Bicentennial Field Complex:

- 4.2.2.1 Class 1 Monday through Friday until 5 P.M. in the fall and spring sports seasons.
- 4.2.1.3 4.2.2.2 Class 2 Monday through Friday after 5 P.M. and all day
  Saturday and Sunday in the fall and spring sports seasons, and
  Monday through Sunday in the summer (beginning at the end of
  the school calendar year to the beginning of the school calendar
  year)

### 4.2.3 Pierce Field and Bicentennial Field Complex

4.2.3.1 The Schools shall receive priority for use of the Pierce Field and Bicentennial Field Complex during after-season tournament play.

- 4.3.1 Conflicts in the use of the Pierce Field and the Bicentennial Field Complex will be referred in writing to the Use Committee for a ruling.
- 4.3.2 If a School sponsored event on the Pierce Field and the Bicentennial Field Complex needs to be urgently rescheduled due to events beyond its reasonable control, the Schools will have priority over all previously-scheduled events. Similarly, during School-related events, both outdoor and indoor, where a large attendance is reasonably anticipated and available parking is likely to be limited, the Schools shall have the option of limiting access to the Pierce Field and/or the Bicentennial Field Complex. The Schools shall make every attempt to provide the Use Committee and Recreation Department as much advance notice of rescheduling requirements as possible.
- 4.4 Revocation of Field Permits: The Use Committee shall be the authority to revoke a field reservation permit. The Committee will refer to the Zero Tolerance document of the Recreation Department. A permit could be revoked for the following reasons as well as those listed in the Zero Tolerance Policy:
  - 4.4.1. Use of alcohol at field site or parking lots.

- 4.4.2. Use of controlled substances at field site or parking lots.
- 4.4.3 Excessive litter.
- 4.4.4. Cars parked on the field or other non-parking areas.
- 4.4.5. Use of foul or abusive language.
- 4.4.6 Violent or aggressive behavior by players, coaches, or spectators.
- 4.5 Additional Denial of Use of Fields
  - 4.5.1 Additional field requests made by any user whose permit has been revoked will be denied for the balance of the season or calendar year, whichever is longer. Once any user has had its permit revoked twice, it will be ineligible for applying for future permits.

### Section 5.0 Field Damage Caused by Misuse

5.0 Users will be held responsible for any field damage caused by any kind of misuse whatsoever.

### Section 6.0. Complaints

6.0 Complaints shall be referred to the Use committee for disposition, including possible revocation.

#### Section 7.0. Maintenance Costs

- 7.1 The Field Use Committee shall be responsible for preparing bid documents for mowing, fertilization and essential maintenance of the Fields.
- 7.2 The general maintenance costs of the Fields shall be shared by the Town, the School, and the user groups. The Youth Council has been established to be the liaison between the Fields Use committee and the major user groups for providing recommendations on the betterment and use of the fields and for the collection of maintenance funding.
- 7.3 The Use Committee shall determine the total costs of maintaining and operating the Fields, for budgeting purposes. Each user group shall pay an estimated prorated maintenance fee to the Use Committees account 230-172-6801 as a

condition for receiving its use permits. The Use Committee shall be responsible for administering the maintenance budget for the season.

7.4 The Town recognizes that in certain cases there may be non-maintenance charges that apply (e.g., restrooms, stadium lights) and that the Schools will separately bill these charges.

7.5 The Use Committee shall submit to the Schools and the Town its recommended annual budget on or before the first day of April\_for the maintenance and operations of the Fields.

7.6 The Schools and the Town agree to establish a separate long-term fund for non-routine maintenance of the Bicentennial Field Complex and Pierce Field and for eventual replacement of the artificial surface of the Pierce Field. Both the Schools and the Town shall set aside ten percent (10%) of field usage fees collected per year, if possible, to deposit into this long-term fund.

7.7 The Schools and the Town agree to use the Field Use account 230-172-6801 for regular maintenance of the Bicentennial Field Complex and the Pierce Field.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

TYNGSBOROUGH SCHOOL COMMITTEE

BY: Hillari Wennerstom, Chair
By vote of its School Committee

	Dated
TYNO	GSBOROUGH BOARD OF SELECTMEN
BY:	Ashley O'Neill, Chair By vote of the Board of Selectmen

## **ACKNOWLEDGEMENT**

Dated \_\_\_\_\_

## COMMONWEALTH OF MASSACHUSETTS

County of Middlesex	
personally appeared evidence of identification, namely my of the Tyngsborough School Communication, and acknowledged to me	2010, before me, the undersigned Notary Public, proved to me through satisfactory personal knowledge, to be the person who is Chainittee, whose name is signed on the preceding that he or she signed it voluntarily for its states orough School Committee, Tyngsborough Public
	Official Signature and Seal of Notary My commission expired:

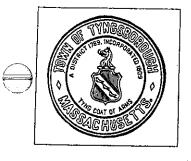
## ACKNOWLEDGEMENT

COMMONWEALTH OF MASSACHUSETTS

County of Middlesex

personally appearedevidence of identification, namely my pers	before me, the undersigned Notary Public , proved to me through satisfactor onal knowledge, to be the person who is Chai
document, and acknowledged to me that	en, whose name is signed on the preceding he or she signed it voluntarily for its state. Selectmen of Tyngsborough, a municipal
	Official Signature and Seal of Notary My commission expired:

Tyngs/Intra-Municipal Agreement Athletic Fields



# Town of Tyngsborough

Office of the Town Collector & Parking Clerk

25 Bryant Lane - Tyngsborough, Massachusetts 01879-1042 Phone: (978) 649-2300, Ext. 127 / Fax: (978) 649-2327

E-mail: <a href="mailto:gspickler@tyngsboroughma.gov">gspickler@tyngsboroughma.gov</a>
Gene R. Spickler, CMMC – Collector & Parking Clerk

October 28, 2010

To:

Tyngsborough Board of Selectmen

C/O Michael Gilleberto, Administrator

RE: Volunteer to help in this office

Dear Board and Michael;

I am writing to advise you of the offer of Mr. Derek Farmer to volunteer his services to this office for a few hours each week as needed. I have attached his resume for your information. His time here will help catch up on some projects and will not affect the hours or pay of our staff.

I checked with the library and he was a very capable volunteer while serving there.

Please contact this office if you have questions or we can be of further assistance.

Regards,

Gene R. Spickler, CMMC

Town Collector & Parking Clerk

## **Derek S. Farmer** One Colonial Drive Tyngsborough, MA 01879

## **KEY QUALIFICATIONS:**

- -Preparation and completion of perpetual inventory tracking logs
- -Experience with investigating theft and fraud cases through point-of-sale transactions
- -Updated and tracked daily, monthly, and yearly sales, payroll and forecasts for stores
- -Knowledge of QM for Windows and Microsoft Office (Word, Excel, Access, PowerPoint)

#### **EDUCATION:**

University of Massachusetts Lowell

Bachelor of Science in Business Administration

GPA: 3.33/4.0

Lowell, MA

May 2011

Accounting and Finance Concentrations

Legal Studies Minor

#### **EXPERIENCE:**

Target Stores, Nashua, NH, 2005-Present

(Currently on Educational Leave)

Executive Intern/Executive-in-Training

June-Aug. 2010

- Led store team with daily tasks and projects
- Updated and promoted sales and financial measurements
- Oversaw projects, inventory, and relationships with vendors
- Addressed team-member issues and addressed problems with poor performers

Target Protection Specialist & Senior Target Protection Specialist

May 2008-May 2010

- Helped create and maintain a safe and secure culture
- Used knowledge and techniques to prevent theft and fraud
- Responded to any safety and security incidents
- Helped train, monitor, and advise trainees

Sales Floor/Electronics Team Member & Trainer

August 2005-May 2008

- Helped train and advise new team members
- Assisted customers in many different areas of store

#### **VOLUNTEERING:**

Tyngsborough Public Library, Tyngsborough, MA, 2004-2005

Assisted Librarian with daily tasks- Shelved returned books and helped visitors locate items.

Visited Nursing Association of Greater Lowell, Lowell, MA, 2005-2006

Assisted with mailing projects for the Hospice Department.

40 Church Street, Suite 500, Lowell, Massachusetts 01852-2686

Telephone (978) 458-4583

Facsimile (978) 937-0950

October 27, 2010

Mr. Scott A. Smith Sessions Clerk (AHS) Land Court Department 226 Causeway Street Boston, MA 02114

File: Tyngsborough

Re: David Toner

v. Robb Kydd, Christina Mechalides, Joseph Polin, Cheryl Bradley, Scott Bordeleau [as they are members of the Tyngsborough Board of Appeals

Land Court 2010 MISC 441827 (AHS), Sessions Clerk: Scott A. Smith

Dear Mr. Smith:

On behalf of the Defendants Rodd Kydd, et al., I enclose Defendants' Answer for filing with the Court.

Thank you.

Sincerely yours,

Charles J. Zaroulis Tyngsborough Town Counsel

CJZ/jrz

Enclosure

cc:

Mr. David M. Toner, Pro Se, with Enclosure

Tyngsborough Zoning Board of Appeals

Mr. Michael P. Gilleberto, Tyngsborough Town Manager

Tyngs/Toner v. ZBA Letter

40 Church Street, Suite 500, Lowell, Massachusetts 01852-2686

Telephone (978) 458-4583

Facsimile (978) 937-0950

October 26, 2010

Ms. Kerry Colburn-Dion Town Treasurer Town Hall 25 Bryants Lane Tyngsborough. MA 01879

File: Tyngsborough

Re: Town of Tyngsborough

v. Tiffany Equipment & Construction Corp. Taunton Court Docket No.: 0931SPO818

Dear Kerry:

I enclose a check in the amount of four-hundred dollars (\$400.00) as partial payment on a Judgment against Tiffany Equipment and Construction Corp. for non-payment of police road details.

Sincerely yours,

Charles J. Zaroulis Tyngsborough Town Counsel

CJZ:ksz

Cc: Deputy Chief Richard Burrows

Cc: Tyngsborough Board of Selectmen



DEVAL L. PATRICK GOVERNOR

TIMOTHY P. MURRAY LIEUTENANT GOVERNOR

# COMMONWEALTH OF MASSACHUSETTS DIVISION OF STANDARDS

One Ashburton Place, Room 1115 Boston, MA 02108 (617) 727-3480 FAX (617) 727-5705 www.mass.gov/standards GREGORY BIALECKI SECRETARY OF HOUSING AND ECONOMIC DEVELOPMENT

BARBARA ANTHONY
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS REGULATION

CHARLES H. CARROLL
DEPUTY DIRECTOR

TO:

**Town Clerks and Promoters** 

FROM:

Charles H. Carroll, Director

DATE:

October 18, 2010

Subject:

Promoters License - Effective Date November 9, 2010

apter 10 thy requering

As you know, Chapter 308 of the Acts of 2010, copy enclosed, amended M.G.L. Chapter 101 by requiring "Promoters", as defined, to be licensed by the Division as of November 9, 2010.

A "promoter" is a business or person who operates for the purpose of either directly or indirectly, renting, leasing or granting a license to use space to any vendor for the display for sale or for the sale of tangible personal property or services subject to tax under M.G.L. chapter 64H. (See M.G.L. c. 101, s. 1) Under the amended law, any vendor operating under a promoter's license would be exempt from having to be individually licensed by the Division as a "transient vendor" as is currently required. Chapter 308 also preserves a municipality's option to require an individual seller to be licensed as a transient vendor under M.G.L. c. 101, s. 5, but only for those municipalities that already require such a seller to be licensed on or before November 9, 2010.

Who is required to be licensed under the new law? A person or business who leases space for the sale of goods or taxable services is required to be licensed by the Division. Examples include, *inter alia*, trade shows if goods are sold, flea markets both indoors and outdoors and card shows.

As of November 9, 2010, each business or person, before commencing business as a promoter, shall make a written application, under oath to the deputy director, for a license, stating the names and residences of the owners or parties in whose interest the business is to be conducted. Upon payment of the applicable fee, a license will be issued. Each license will remain valid for a period of one year from the date of issue or until the date of its surrender or affidavit of its loss.

The license fee is based on the number of days the promoter operates in a calendar year and the fee schedule is as follows: \$200 for 1 to 9 single shows; \$300 for 10 to 19 single shows; \$400 for 20 to 29 single shows; \$500 for 30 to 39 single shows; \$600 for 40 to 49 single shows; and \$1,000 for over 50 single shows. Each day of operation in the commonwealth shall constitute a single show.

The licensed promoter is required to maintain a copy of each written agreement between the promoter and an individual vendor, which shall include documentation regarding the identity and location of each vendor, including a social security number or tax identification number and a general description of merchandise sold by each vendor. Records are required to be kept for a period of not less than 12 months. The deputy director or law enforcement authorities may direct a promoter to provide such records upon request. Every licensed promoter shall comply with sections 8A and 67A of M.G.L. chapter 62C and any regulations promulgated pursuant thereto as required by the commissioner of revenue.

The application for a promoter's license is enclosed. Please make copies if needed.

## Chapter 308 of the Acts of 2010

#### AN ACT RELATIVE TO FLEA MARKET VENDORS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Section 1 of chapter 62C of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the definition of "Promoter" and inserting in place thereof the following definition:-

"Promoter", a person who, either directly or indirectly, rents, leases or grants a license to use space to a person for the display for sale or for the sale of tangible personal property subject to tax under chapter 64H.

**SECTION 2.** The definition of "Show" in said section 1 of said chapter 62C, as so appearing, is hereby amended by inserting after the word "market", in line 24, the following words:-, either indoor or outdoor.

SECTION 3. Section 1 of chapter 101 of the General Laws, as so appearing, is hereby amended by striking out the definitions of "Transient vendor" and "Temporary or transient business" and inserting in place thereof the following 6 definitions:-

"Promoter", a business or person who operates for the purpose of either directly or indirectly, renting, leasing or granting a license to use space to any vendor for the display for sale or for the sale of tangible personal property or services subject to tax under chapter 64H; provided, however, that this shall not include a state or county fair as defined in section 1 of chapter 128A; and provided further, that a promoter licensed under this chapter shall comply with sections 8A and 67A of chapter 62C or any regulations pursuant thereto as required by the commissioner of revenue.

"Tangible personal property", personal property of any nature consisting of any produce, goods, wares, merchandise and commodities whatsoever, brought into, produced, manufactured or being within the commonwealth.

"Temporary or transient business", an exhibition and sale of goods, wares or merchandise which is carried on in a tent, booth, building or other structure unless such place is open for business during usual business hours for a period of at least 12 consecutive months; provided, however, that this shall not include a business operating under a written agreement with a licensed promoter.

"Transient vendor", a person, either principal or agent, who engages in a temporary or transient business in the commonwealth selling goods, wares or merchandise, either in 1 locality or in traveling from place to place; provided, however, that this shall not include a person operating under a written agreement with a licensed promoter.

"Usual business hours", the time period during which similar businesses in the community conduct business.

"Written operating agreement", a written agreement between a promoter, licensed under section 3A and a vendor to conduct business at any location.

SECTION 4. Said chapter 101, is hereby amended by inserting after section 3 the following section:-

- Section 3A. (a) Each business or person, before commencing business as a promoter, shall make a written application, under oath, for a license to the deputy director stating the names and residences of the owners or parties in whose interest the business is to be conducted. Upon the payment of the fee under the fee schedule in subsection (b) the deputy director shall issue a license granting the authority to do business as a promoter. A license shall expire 1 year from the date thereof or on the day of its surrender or of the filing of an affidavit of its loss, if it is earlier surrendered or if such affidavit is earlier filed. The license shall contain a copy of the application therefore and shall not be transferable.
- (b) For the purpose of determining a single show for this chapter, the conduct of an activity or event described in the definition of "show" in section 1 of chapter 62C held on a single day in the commonwealth shall constitute a single show. The fee schedule for a license as a promoter shall be as follows: \$200 for 1 to 9 single shows to be held per year; \$300 for 10 to 19 single shows to be held per year; \$400 for 20 to 29 single shows to be held per year; \$500 for 30 to 39 single shows to be held per year; \$600 for 40 to 49 single shows to be held per year; and \$1,000 for over 50 single shows to be held per year.
- (c) Each promoter licensed to conduct business shall maintain a copy of the written operating agreement with each vendor which shall include documentation regarding the identity and location of each vendor, including social security number or tax identification number and a general description of merchandise sold by each vendor. The promoter shall maintain such records for a period of not less than 12 months. The deputy director or law enforcement authorities may request a promoter to provide the records. A promoter licensed under this section shall comply with sections 8A and 67A of chapter 62C or any regulations pursuant thereto as required by the commissioner of revenue.
- SECTION 5. A vendor operating under an agreement with a licensed promoter, as defined in section 1 of chapter 101 of the General Laws, inserted by section 3, shall not be required to apply and pay a fee for a license authorizing the sale of goods, wares and merchandise within a municipality as required by section 5 of said chapter 101 unless, on the effective date of this act, the municipality requires such a vendor to pay a fee under said section 5 of said chapter 101, or under any other statute, local by-law, regulation or policy, in which case, notwithstanding any general or special law to the contrary, said municipality may continue to charge such fees under said section 5 of said chapter 101 or under such other statute, local by-law, regulation and policy.



	OFFICE USE ONLY	
ISSUE DATE:	LICENSE #	<u> </u>

## **Application for Promoter's License**

This application must be filled out as indicated, duly signed, and returned to this office before a license will be issued. The license FEE is based on the number of days sales will be conducted, as appears in M.G.L Ch. 101, Sec. 3B. Mail to the Division of Standards: One Ashburton Place, Room 1115, Boston, MA 02108 Residing at in the town of \_\_\_\_\_\_ State of \_\_\_\_\_ Zip \_\_\_\_\_ \_\_\_Bus. Phone\_\_\_\_ Business Address hereby apply for a State Promoter's License as defined in Massachusetts General Law Chapter 101, as amended. The names and residences of the owners or parties in whose interest I am to do business under this license are as follows: Federal ID Number or Social Security Number: Telephone Number: \_\_\_\_\_ Date of Birth (MM/DD/YYYY): \_\_\_\_ E-Mail Address "Promoter", a business or person who operates for the purpose of either directly or LICENSE FEE SCHEDULE indirectly, renting, leasing or granting a license to use space to any vendor for the display for sale or for the sale of tangible personal property or services subject to tax under chapter Total Class Fee 64H; provided, however, that this shall not include a state or county fair as defined in Days **Amount** section 1 of chapter 128A; and provided further, that a promoter licensed under this chapter ☐ 50 or Over A \$1000. shall comply with sections 8A and 67A of chapter 62C or any regulations pursuant thereto **40-49** В \$600. as required by the commissioner of revenue. **1** 30-39 C \$500. **20-29** D \$400. "Show", a flea market either indoor or outdoor, craft show, antique show, coin show, stamp E **10-19** \$300. show, comic book show fair and any similar show, whether held regularly or of a temporary □ 1-9 \$200. nature at which more than one vendor displays for sale or sells tangible personal property subject to tax. Please Check Appropriate Box Pursuant to Massachusetts General Law Chapter 62C, Section 49A, I certify under the penalties of perjury that I, to the best of my knowledge and belief, have filed all state tax returns and paid all state taxes required under law. I have requested a state promoter's license for day(s) and enclosed check made PAYABLE to THE COMMONWEALTH OF MASSACHUSETTS in the amount of \$\_\_\_\_\_\_, I have also listed all the dates, locations and times of operation on the reverse side of this application as required. Signature of Applicant

DATE(S)	ADDRESS/LOCATION	CITY/TOWN	HOURS OF OPERATION
7			
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